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VIEW OF ENTRANCE TO KENTUCKY PENITENTIARY.
1838.

A REPORT

ON THE



HISTORY AND MODE OF MANAGEMENT

OF THE

KENTUCKY PENITENTIARY,

FROM

ITS ORIGIN, IN 1798, TO MARCH 1, 1860.

PREPARED BY

WILLIAM C. SNEED, M. D.,

**OF FRANKFORT, KY., FORMER PRESIDENT OF THE KENTUCKY STATE MEDICAL SOCIETY,
MEMBER OF THE AMERICAN MEDICAL ASSOCIATION, ONE OF THE
SURGEONS TO THE KY. PENITENTIARY, &C., &C.**

Ordered to be printed by the Senate of Kentucky, at the session of 1859-60.

FRANKFORT, KY.:

PRINTED AT THE YEOMAN OFFICE.

JNO. B. MAJOR, STATE PRINTER.

1860.

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BY WILLIAM C. SNEED, M. D.,

In the office of the Clerk of the District Court of the United States for the District of Kentucky, in the Eighth Circuit.

To
THE VENERABLE
JOEL SCOTT,
THE FIRST KEEPER WHO INTRODUCED
INTO THE
KENTUCKY PENITENTIARY
ORDER, DECENCY, ECONOMY, COMFORT,
AND
WHOSE DISCIPLINE AND MANAGEMENT MADE THE
INSTITUTION BOTH CREDITABLE AND
PROFITABLE TO THE STATE,
AND
TO MY WELL-TRIED AND MOST
EXCELLENT FRIEND,
NEWTON CRAIG,
THIS REPORT IS MOST
RESPECTFULLY DEDICATED BY THE
AUTHOR.

FRANKFORT, March 1, 1869.

PREFACE.

At the second annual meeting of the Kentucky State Medical Society, held in the city of Louisville, in October, 1853, the author was appointed chairman of a committee to prepare a report "On the History and Mode of Management of Prisons and Penitentiaries in Kentucky." In accordance with that appointment a report was prepared, a synopsis of which was read before that society in 1854, giving in general terms the system of prison discipline in Kentucky. In looking over the public documents in order to make that report as complete as practicable, I was struck with the many laws enacted to regulate the affairs of our penitentiary from its inception to the present time. These changes had been made so frequently, and varied so greatly, as to make it difficult to understand what, or whether we really ever had what could be called a prison discipline at any time. In order to a full understanding of the whole subject the investigations have been continued until every document within access has been obtained, and is now presented in this report.

Many of the facts relating to the early history of the institution have been obtained from the old records found in the rubbish of the same, while others of equal value have been extracted from the Journals of the Senate and House of Representatives, now in the public library. I am also greatly indebted to Maj. Wm. Davis, of Harrodsburg, for the privilege of examining the legislative documents in the private library of his father, the late Capt. Sam. Davis, his library having many documents not in the State library, those belonging to the State having been destroyed by the burning of the State Capitol in 1822.

In presenting this report on the history of our penitentiary system, two objects have been aimed at. 1st. To show the original intention of the institution; and 2d. The great departure from that intention in the latter years of its history. It will be perceived by a perusal of the first penal laws, and more especially the preamble to those laws, that the system was originally established as a substitute to mitigate the more sanguinary mode of punishing criminals, and had the reformation of the subject of this humanity prominently in view. The promineny of this object has been thrust out of view in the effort to make the inmates a source of revenue to the State. This idea has had a prevailing influence, as will be seen, since Mr. Scott, by his skill in management, proved that the labor

of the convicts could not only be made to sustain the cost of their confinement, but might yield some profit to the State. In departing from the original intention, I think it will clearly appear that nothing has been gained to the Commonwealth, in a pecuniary point of view, but much lost in the moral training and reformation of the unfortunate victims of crime. While the keepers have been well rewarded for their labors, the inmates have been held as those lost to society, and only fit to become criminals or paupers for life. These results have been brought about, not from any fault in the laws, but mainly from the unfaithful manner of executing them by those whose duty it was to carry them into effect. An intimate connection with the institution, as one of its officers, for a number of years, has afforded me ample opportunities to study its wants and defects, and it has been the aim of this report to collect and report all the historical facts connected with the same; and I have added such suggestions as seemed advantageous to the Commonwealth in its future management.

This institution has been in existence sixty years, during which time about three thousand criminals have undergone confinement therein, for the various crimes for which they were sentenced. It is due the people of Kentucky to know, in a more satisfactory manner than any yet made public, what has resulted, either of good or evil, from this humane experiment of disposing of the criminals of our State. This information, it is believed, is fully and faithfully given in the compilation making up this report. In more skillful hands it might have been greatly condensed, and presented in a much more attractive form; but the Reporter claims no other credit than faithfulness in his effort to do good, and begs the indulgence of the people of his native State for any and all defects in the arranging of the materials contained in this compilation. The laws relating to the institution and the inmates have been copied at full length, when deemed of sufficient importance to be so done; and those not copied have been condensed so as to give the full meaning. The legislative reports and those of the keepers, with statistics accompanying the same, have been given at great length, in order to show in detail the internal working of the institution. These laws and documents have been compiled as an easy reference to future legislators, that at a glance all the past legislation upon the criminal jurisprudence of the State might be made easy of access.

FRANKFORT, Ky., March 1, 1860.

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SNEED'S

History of the Kentucky Penitentiary.

CHAPTER I.

INTRODUCTORY.

Penal Laws.—This branch of jurisprudence is the earliest in development, but the latest to be reduced to a rational and consistent system. In the fragments of antediluvian history there is nothing explicit respecting civil societies. If there was any authentic information on this subject, it has not come within the scope of the book of Genesis, which was designed merely as an introduction to the history of the Mosaic legislation. As such, it preserves a knowledge of the Creator, gives a general view of the conduct of man, and a more particular account of the ancestors of the Hebrews from the creation of man to the origin of the Hebrew commonwealth.

The first man undoubtedly kept his children and descendants about him as long as possible, and exercised paternal authority over them. Cain was the first who separated from his father's society, and he was impelled to this step through fear of punishment for the murder of his brother. In the course of time, various motives, such as a desire to obtain land for cultivation, or pasturage for cattle, might induce others to follow his example. Thus there arose separate families which were governed by their own patriarchs. This was a state of nature, that golden age which the prophets and poets of later ages have painted in the liveliest colors, and exhibited as a picture of perfect happiness. When families had increased to tribes and nations, then, without doubt, civil societies began. Even at this early period we find that men were engaged in agriculture and the improvements of the arts; that the laws of marriage, the rights of private property, and the public institutions of religion, were recognized and observed.

These societies, however, were very imperfect; for those lawless deeds of violence which arose from profligacy and impiety, prove but too clearly that the power of the strong then generally passed for established right. Those famous heroes, of great stature, the giants of the old world, who are mentioned as the authors of these crimes, were either powerful chiefs who

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engaged in open wars, or, perhaps, merely wandering robbers, who, with their lawless bands, everywhere plundered and murdered the defenseless. The prevailing form of government during this period was, probably, the patriarchal; though the patriarchs were either unable to restrain and bring to punishment strong-handed transgressors, or swayed by the ties of relationship, and in some cases perhaps by a participation in the spoil, were unwilling to exert their authority for this purpose.

A correct knowledge of the Creator and Governor of Heaven and earth, and of the relation of man to his Almighty Judge, is clearly the principal, if not the sole ground of all morality and all moral happiness among human beings, influenced as they are by the objects of sense. It constitutes, in fact, man's chief good. Now, though we should allow that a superior mind at the present day, adorned with all the knowledge of preceding ages, surrounded by the light of revelation, after so many errors of the ancients have been detected, and so many warnings given to guard against false conclusions, should derive the correct knowledge from a view of the universe, or from contemplating the wants of man; yet it was certainly unattained by those men of high antiquity, in the childhood of the world, whose minds were unaccustomed to intellectual effort, who inherited no learned labors from their ancestors, who were destitute of a thorough acquaintance with the works of nature, and were surrounded by error. This conclusion is confirmed by proof far superior to all speculation; by the history of all nations, even of those much more recent in their origin, and more highly cultivated. We find, nevertheless, this correct knowledge of God among the pious patriarchs of the highest antiquity; and unless we will absurdly suppose these simple and unlearned fathers were speculative philosophers and profound thinkers, we must acknowledge the truth of the declarations that God, from time to time, revealed himself in a supernatural manner to the men of the old world, and that the knowledge thus communicated was afterward transmitted from father to son, from generation to generation.

It was difficult to preserve the knowledge of God among sensual men, even after it had been revealed. Before the flood, profligacy and practical atheism prevailed; and four centuries after, superstition and idolatry had crept in on every side. Their influence was constantly increasing, and at last became universal; and no people who were left to themselves ever regained a knowledge of the true God.

That a knowledge of Himself might not be lost entirely from the earth by the encroachments of idolatry, God revealed Himself to an illustrious Chaldean, and appointed him and his descendants by Isaac and Jacob to the important trust of preserving this invaluable revelation in the world, and, finally, of imparting it to other nations.

That the Hebrews might answer their high destination, and preserve the knowledge of God through succeeding ages, civil institutions were neces-

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sary, by which the knowledge and worship of the true God should be so intimately connected with the political structure of this nation that they must be imperishable, so long as the nation should remain a nation; and could only be annihilated by the annihilation of the political existence of the people. Such institutions were provided by a civil constitution, which was closely interwoven and inseparably connected with the worship of the true God.

There was no difficulty in establishing such a constitution at that time, as it was perfectly adapted to the condition of the world, in an age when the civil regulations of every nation were identified with their religion. Though the independent patriarchs, nomadic as well as agricultural, were forced by circumstances to enter into societies, they were never willing to receive the new constitution and new laws which were prescribed to them by others. For this reason the ancient legislators, that they might secure the reception and authority of the new order of society introduced by them, always pretended that they had been authorized to impose laws by some divinity. Thus Menes gave out that he had received his instructions from Mercury; and so with the rulers of other nations. They did not invent the religious systems of their own people, but falsified the true already in existence, and artfully employed religion as the means of establishing and perpetuating their civil institutions. Moses, on the contrary, employed no religion to support his political institutions; but reversed the usual order, and introduced a civil constitution, which was designed as a means—and, as the event has proved, was in reality a means—of establishing pure religion permanently upon the earth, and of preserving the knowledge and worship of the true God to the latest generations.

He accordingly made the worship of the one only true God the fundamental law of his institutions, which was to remain for ever unalterable, through all the changes that might occur in the lapse of time.

As God was the King of the Hebrews, a defection from God was a defection from their rightful sovereign. Whoever, in the Hebrew nation, over which Jehovah was king, worshiped another God, or practiced any superstitions, by this very act renounced his allegiance to his king, and deserted to another. He committed high treason, and was considered a public criminal. Whoever incited others to idolatry, incited them to rebellion, and was a mover of sedition. Death, therefore, was the punishment of idolatry and its kindred arts—magic, necromancy, and soothsaying; and also of inciting to idolatry. The punishment of an idolatrous city was the irrevocable ban, followed by complete destruction. So rigid was the law upon this head, that those who incited to idolatry were never to be pardoned, even though they should claim the character of prophets, and utter predictions which should be exactly fulfilled. The Hebrews were required to give up their nearest friends to their just punishment, if they enticed to idolatry; and the accuser, as the first witness, was required

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to cast the first stone at the convicted traitor. Even a foreigner who dwelt among the Hebrews could not be exempt from capital punishment, if he practised idolatry himself or tempted others to do so; for by so doing he became a mutineer, and excited the people to rebellion, by disseminating discontent against the king and against the whole civil government.

Though coercion, for the purpose of preserving the worship of the true God, was in this manner sanctioned by the Mosaic law, it was in that age no restraint upon liberty of conscience. According to the universal opinion of the pagans, every people and every country must have its own deities, and pagan religions obligated no man to worship this or that deity, much less all deities, without exception. Each individual was left at liberty to choose what gods he would worship, and what neglect.

The law which required capital punishment for idolatry as treason, was not applied to the inward faith, which manifested itself by no external act, and consequently could not be known or proved by a human tribunal, but solely to the public worship of other gods, by adoration, prostration, kissing, altars, sacrifices, statues, &c., &c., and to the enticing others to idolatry. He who believed in the existence of many gods, and secretly put his trust in idols, was indeed guilty of impiety; but as his transgression was unknown, how could it be punished with death?*

The predominance of penal laws may be seen in the early legislation of every nation, since that of the Hebrews. The reason is that, in a rude state of society, personal violence is the most pressing subject for which laws are required. Laws are accordingly enacted for the emergency, and, as might be expected, having reference to the immediate occasion, they partake rather of blind popular impulse than the calm deliberation of legislative wisdom; not that the laws are dictated by the will of the people, but the legislators themselves are under the influence of the same prejudices that actuate the popular mind. The consequence is, as we shall see, that excessive severity at first prevails, which, in the course of time, is meliorated by evasions of the laws, and the contrary extreme, of undue laxity, has, in many instances, succeeded. Laws were made for individual cases, and by consequence were destitute of sound legal discrimination; yet, by long use, and for want of the capacity required for systematic review and amendment, they have become fixed in all their incongruity. This irregular character of the criminal law is not, nor ever has been, peculiar to one or a few nations, but is observable in all systems of jurisprudence which have not, in a later and more mature age, undergone revision. Hence criminal law has a more statutory or positive character than the more gradually developed system of laws affecting property. One of the peculiarities of the criminal law, at its earlier period, was the want of discrimination as to the palliative circumstances of crime. Motives were

* Condensed from Jahn's Hebrew Commonwealth.

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comparatively little considered in early penal laws, or in the judicial proceedings founded upon them. The fact of being charged with a crime, especially if there were some strong circumstances of suspicion, naturally induced prejudice against the accused. He was deemed guilty until he proved himself innocent; contrary to a more humane axiom of the present age, when a man is to be deemed innocent until he is proved to be guilty. The very atrocity of the crime of which a man was charged, was an aggravation of popular prejudice, and in semi-civilized communities was almost equivalent to condemnation. The laws of Draco, which, on account of their indiscriminating severity, were said to have been written in blood, are not to be deemed the mere expression of the cruel heart of the legislator, but rather the reflection of the sanguinary disposition of the Athenian people at that period. So the *Decemvirs*, who prepared the Twelve Tables, did not declare crimes nor impose penalties abhorrent to the popular disposition, but rather were actuated by the same impulses and prejudices which prevailed in the minds of the Roman people. An analysis of all the laws of the Romans will show that the penal largely predominated over the civil; and in respect to crimes and their penalties, there is an absence of what we should at this age deem a due discrimination between the crimes and the punishment due to each, and a want of due regard to the motives or other palliative incidents. Mutilation of the person was punished by the retaliatory infliction of the same injury upon the wrongdoer. A false witness was to be thrown headlong from the capital. The killing of a man, or making use of magical words to hurt him, or the preparing of poison for him, or giving it to him, were subject alike to the penalty of death. A parricide was adjudged to be sewn in a sack and thrown into the river. Slander by words or defamatory verses was punished by beating with a club, and probably, as supposed by Gibbon, extended to death. The treading down of another's corn-field by night was punished with death; but the cutting down of trees, whatever might be the value, was subject to a mere fine of twenty-five pounds of brass. But the most apt illustration of the irrational severity of these laws was the treatment of an insolvent debtor, who, without any other imputation of fraud than the fact of owing the debt and not having paid it, could be taken home by the creditor and kept sixty days, fettered with irons not exceeding fifteen pounds in weight; at the end of which time, if the debt remained unpaid, he could be brought before the people on three market days, in the last of which his body could be cut into pieces, according to the number of creditors, or, if they preferred, he could be sold into foreign slavery. "The criminal code of the *Decemvirs*," says Gibbon, "was abolished by the humanity of accusers, witnesses, and judges; and impunity became the consequence of immoderate rigor."

The laws of the Germanic nations equally illustrate the propositions above stated, and especially the absence of all classifications of crimes, and

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the disproportion of penalties to the different degrees of moral turpitude. The Salic law contained three hundred and forty-three penal articles, and only sixty-five on all other subjects. Of the penal laws, one hundred and fifty related to cases of robbery, seventy-four of which referred to the stealing of animals; cases of violence against the person were the subjects of one hundred and thirteen articles, of which thirty related to mutilation of the person, and twenty-four to violence against women.

Composition, a pecuniary mulct, was the penalty enforced upon a free man by these laws, varying in amount with the atrocity of the offense; but upon slaves and laborers tortures were freely inflicted. Philip Augustus, in 1181, condemned the nobility who should pronounce the words which are softened in the terms *Teteblue*, *Ventreblue*, *Corblue*, *Sangblue*, to pay a fine, and the plebeians to be drowned. The first part of this law was puerile, the latter abominable. It was an outrage against nature to drown one man for a crime for which another paid a few pence of the money of those times. So that this law, like many others, remained unexecuted, especially when the King was excommunicated, and his kingdom interdicted by Pope Celestine III.

Saint Louis, transported with zeal, ordered indiscriminately, that whosoever should pronounce these indecent words, should have his tongue bored, or his upper lip cut off. A citizen of Paris having suffered this punishment, complained to Pope Innocent IV, who remonstrated to the King that the punishment was too great for the crime; but it had no effect upon his majesty.*

Similar provisions were contained in the laws of the Franks, the Burgundians, and the Anglo-Saxons. It was understood, however, that the injured party had a right to refuse composition, and to seek satisfaction by his own hand, which last alternative was regulated by certain rules, and hence received the designation of judicial combat. This was a peculiar feature of the Germanic law, and was not confined to criminal cases, but became a common mode of deciding questions of fact even in civil suits; and the right was reciprocal, that is to say, either party had the right to call the other to a decision of the controversy by combat. So either party had the right to challenge witnesses, and even judges, to combat, upon the allegation that the testimony was untrue or the judgment unjust. The defect of this kind of proof, as well as the other mode of determining facts, viz: by ordeal, rendered the trial by combat a necessity; at least it was far more satisfactory to the rude minds of that period than either of the others, in which perjury and deception were palpable.

The proceedings by compurgation was called *wager of law*, which took the name from the formality of giving gage or security that the party would, at a certain time, or day, make his law, that is, that he would take

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an oath, and bring eleven compurgators to swear that they believed him. At a subsequent period, a body called *juratores* were organized, whose duty it was to be charged with the preliminary inquiry as to the guilt of any person charged with certain crimes, and upon their finding him guilty, he was put to the ordeal or compurgation. There was nothing known of the modern proceedings upon a jury trial. The jury were not expected to decide upon evidence produced by the parties, but upon their own knowledge or information collected by them. The direction of the judge was, that whereas such a man was charged with such a crime, the jury were to make known the truth thereof.

Passing over the history of the criminal laws of England and other countries, to their present state, we find forms of proceedings eminently adapted to sound judicial investigation. The grand jury, which has taken the place of the *patria*, mentioned by Bracton, is composed of not less than twelve, nor more than twenty-four, in number, upon whose indictment most criminal cases are brought before the courts for trial. The exceptions are, in England: 1st, cases of homicide where a coroner's inquisition has been returned; 2d, actions which, by statute, may be brought by a private prosecutor, or information by the master of the crown office, upon the relation of a private individual; 3d, informations filed, *ex officio*, by the Attorney General, in cases of atrocious misdemeanor endangering the government. The wager of battle and law were repealed by statute of William IV. The indictment, which was the basis of the arraignment and trial of criminals, was required to be drawn with great technical strictness, and was often quashed for defect of form. Thus it was necessary to set forth the full name of the person charged, and a designation of his business and place of residence, also the time and place when and where the offense was committed; certain technical words were also required, as descriptive of the crime charged, as (when pleadings were in Latin) the words *praditorie et contra ligientiae suae debetum in treason; murdravit* in murder, &c., &c.*

The benefit of clergy was a mode of arresting judgment, early introduced into the criminal laws of England, and had its origin, according to Blackstone, as follows: After trial, the judgment of the court regularly followed, unless suspended, or arrested by some intervening circumstance, of which the principal was the benefit of clergy. It had its origin from the pious regard paid by Christians to the church in its infant State, and the ill use which the popish ecclesiastics soon made of that pious regard. The exemptions which they granted to the church were principally of two kinds: 1st, exemption of *places* consecrated to religious duties; 2d, exemption of the persons of clergymen from criminal process before the secular judge, in a few particular cases, which was the true original and meaning

*Criminal law in New American Cyclopaedia.

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of the *privilegium clericale*. But the clergy, increasing in wealth, power, honor, number, and interest, began soon to set up for themselves, and that which they obtained by the favor of the civil government they now claimed as their inherent right, and as a right indefeasible, and of the highest nature. By their canons, therefore, and constitutions, they endeavored at, and, where they met with easy princes, obtained, a vast extension of these exemptions, as well in regard to the crimes themselves, of which the list became quite universal, as in regard to the persons exempted, among whom were, at length, comprehended not only every little subordinate officer belonging to the church or clergy, but even to many that were totally laymen.

Originally the law was held that no man should be admitted to this privilege but such as had the *habitus et tonsorum clericulum*. But in process of time, a much wider and more comprehensive criterion was established, embracing every one who was able to read, whether initiated into holy orders or not. After the invention of the art of printing, and when learning was more generally disseminated, and when reading was no longer a competent proof of clerkship, or being in holy orders, it was found that as many laymen as divines were admitted to the *privilegium clericale*; a distinction by statute was therefore drawn between mere lay-scholars and clerks that were really in orders. And, though it was deemed reasonable still to mitigate the severity of the law with regard to the former, they were not put upon the same footing with the actual clergy, being subjected to a slight punishment and denied the privilege a second time. Laymen who received this benefit once were branded in the hand with a hot iron, in order to distinguish them from the real clergy in case of a second application for the benefit.

After this burning, the laity, and before it, the real clergy, were discharged from the sentence of the law in the King's courts, and delivered over to the ordinary to be dealt with according to the ecclesiastical canons; A new canonical trial by purgation was instituted, whether the accused was proved guilty by the laws of his country or by his own confession. This trial was held before the Bishop in person, or his deputy, and by a jury of twelve clerks, where the accused was first required to make oath of his own innocence, and next the twelve purgators, who swore they believed he spoke the truth. Witnesses were then introduced on behalf of the accused to make oath, and lastly, the jury were to bring in a verdict upon oath, which usually acquitted the prisoner; but if otherwise, he was degraded, (if a clerk,) or put to penance. This solemn farce of a mock trial, though full of perjury and subornation of perjury, restored the accused to his credit, his liberty, his lands, and his capacity of purchasing afresh, and he was made a new and an innocent man.

This scandalous prostitution of oaths and the forms of justice, in the almost constant acquittal of felonious clerks by purgation, caused the tem-

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poral courts to refuse to trust the trial of offenders to the ordinary, but delivered to him the convict, *absque purgatione facienda*, in which case the convict could not make purgation, but was to continue in prison during life, and was incapable of acquiring any personal property, or receiving the profits of his lands, unless the King should please to pardon him.

Both these courses were deemed exceptionable, the one being as much too rigid as the other was productive of the most abandoned perjury. Accordingly, it was subsequently enacted that after the offender was allowed the benefit of clergy he should not be delivered to the ordinary as formerly; but upon such allowance, and burning in the hand, he should be delivered out of prison, with the proviso that the judge may, if he thinks fit, continue the offender in jail for any time not exceeding one year. This law continued in force for about a century, with few amendments. In the reign of William and Mary the statute was so amended as to give to women the benefit of the statute, in like manner as the benefit of the clergy was given to men. Burning on the cheek was afterward inflicted as a punishment; but its infliction was found to make offenders so desperate that it was repealed seven years after its enactment.

Education and learning were subsequently considered no extenuation of guilt, but quite the reverse; and that if the punishment of death, for simple larceny, was too severe for those who had been liberally instructed, it was, *a fortiori*, too severe for the ignorant also. The benefit of clergy was, therefore, by statute, granted to all who might apply for it, without requiring them to read by way of conditional merit.

Experience having shown that so very universal a lenity was frequently inconvenient, and an incentive to commit minor offenses, and that though capital punishments were too rigorous for these inferior offenses, yet no punishment at all was much too gentle, it was enacted that, after the conviction and burning in the hand of any person, he should, at the discretion of the judge, be committed to the house of correction, or public work-house, to be kept at hard labor for any time not less than six months, nor more than two years, with the power of inflicting double punishment in case of the party's escape from the first. A further provision of this act made it discretionary with the court to inflict the above-named punishments or transport the convict to America for seven years, not to return in that time, under the penalty of being guilty of felony, without the benefit of clergy. By the statute of George III, all offenders liable to transportation, &c., may, at the discretion of the judge, be employed, if males, (except in the case of petit larceny) in hard labor, for the benefit of some public navigation; or whether males or females, may, in all cases, be confined to hard labor in certain penitentiary houses, to be erected by virtue of said act, &c., but in no case exceeding seven years, with the power of subsequent mitigation, and even of reward, in case of their good behavior. Three years

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were added to the term if they escaped and were retaken, and a second escape, felony without benefit of clergy.

In forming the plan of these penitentiary houses, says Blackstone, from whom we continue to quote, the principal objects have been, by sobriety, cleanliness, and medical assistance, by a regular series of labor, by solitary confinement during the intervals of work, and by due religious instruction, to preserve and amend the health of the unhappy offenders, to inure them to habits of industry, to guard them from pernicious company, to accustom them to serious reflection, and to teach them both the principles and practice of every Christian and moral duty. And if the whole of this plan be properly executed, and its defects be timely supplied, there is reason to hope that such a reformation may be effected in the lower classes of mankind, and such a gradual scale of punishment be affixed to all gradations of guilt, as may, in time, supersede the necessity of capital punishment, except for very atrocious crimes.*

The reader of English history will be fortunate if he can find, in any works now extant, a satisfactory account of the experiments made by the mother country in her penitentiary system, from the time of its adoption until light was thrown upon the subject by John Howard, the philanthropist. Previous to his time, convicts were supposed to have forfeited not only their rights as citizens, but their rights as men. They were thrust into dungeons, where no light came—where no friend visited them—where they were soon so far forgotten that often the world could not tell whether they were alive or dead. Personages of the highest distinction, for faults almost venial in this age, would spend almost a lifetime, without a single exertion being made for their relief, or for the understanding their case. This was unmixed punishment, and the people of that country acquiesced in the practice until Howard, by visiting the unseen and unconceived horrors of the prisons, wrought a revolution, the influence of which is felt to this day.

Howard was appointed Sheriff to the county of Bedfordshire, in England, in 1773, and soon had his attention drawn to the subject of prison management. He learned that, from time immemorial, abuses had prevailed in the management of these institutions, and that those abuses and evils had been permitted to exist, and do their measure of evil, without attracting public notice. His attention was also soon called to another class of sufferers, who were not under sentence of guilt to their country, but were sent to prison until they could pay certain fees to the functionaries connected with the jails and court; others, who also might have suffered months of confinement, and against whom, from the non-appearance of their prosecutors, not even a charge was preferred, were similarly treated; others still, against whom the grand jury had no evidence of

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guilt, went the same way—all, without a semblance of accusation, were sent to prison.

This state of injustice and cruelty was taking its course, when it attracted the attention of Howard. To devise means for its correction was now an object of paramount importance with him. He visited the jails and prisons of the adjoining counties, in which he found the same evils existing. Feeling that the evil ought to be corrected, and believing himself the proper instrument in the hands of God for its correction, he determined to devote his life to its accomplishment. Towards the close of the year 1773, he set out on his first visit to the prisons of England. Wherever he went he visited the jails and penitentiaries, and made strict examination into every particular connected with them. His examinations were thorough, revealing the most shocking sights that could be presented to the human eye. He made strict inquiries concerning everything respecting fare, accommodations, fees, disease, &c., with the means used for its prevention; and learned, in every instance, the relation that the criminals held to those who managed the jail. His visits were continued and extended in every direction. Wherever he went, he found the same evils prevailing. Imprisonment for debt, the want of all comforts, and men farmed out by their fellow-men and fed upon inferior food, and that in quantities barely sufficient to sustain life, were among the sights presented to him in his investigations. The horrors described by him were too revolting to be repeated at this age of society, and were equal in cruelty to the sanguinary systems of the earlier ages. In the year 1775, Howard, having seen the prisons of England, Scotland, and Ireland, visited France, Holland, Germany, Switzerland, and part of Flanders, and then published his great work on the prisons of Europe. In these latter countries he did not find so much to condemn as in his own, though his access to the various prisons mentioned was not so free as in his own country. It was on this trip that he made his daring attempt to enter the celebrated prison in France, known as the Bastile. The work which Howard wrote on prisons had a salutary effect in correcting many evils connected with these institutions, and may be regarded as having thrown more light upon the subject than all others that had ever been published.*

The subject of criminal law was one which attracted early attention in the colonies of what is now the State of Pennsylvania. While it belonged to the mother country, her laws had to be kept in unison with that of Great Britain. But the founder of the province, whose elevated mind rose above the errors and prejudices of his age, comprehended at once the absurdity and cruelty of the system pursued at that time in most, if not all, of the older countries. His object was to extend the empire of reason and humanity at the same time; and as a leader of a sect who denied the law-

* Bayne's Christian Life—John Howard.

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fulness of defensive war, he could not justify the infliction of death in cold blood. One of his first moves was, therefore, to prevent the operation of the system imposed upon him by the charter granted by the mother country, and he at once formed a small, concise, but complete code of criminal law, well adapted to the state of his new settlement. This code, no doubt, was animated by the pure spirit of philanthropy, and where first sprung those principles of the penal law, the perfection and elucidation of which has (in this country) given celebrity to the philosophers of a later period.

The punishments prescribed in this code were calculated to reform the criminal, to repair the wrongs of the injured party, and to hold up such a terror as would check the people, whose morals he endeavored to fashion, by provisions interwoven in the same system. In this humane system, "murder, willful and premeditated," was the only crime for which the infliction of death was prescribed. At this early age of reformation in the system, the life of the citizen was guarded by a provision that no man should be convicted but on the testimony of two witnesses, and the execution was stayed until the record of conviction was laid before the Executive, and full opportunity given to obtain a pardon of the offense or mitigation of the punishment. These laws of the colonists, temporary at first, were finally enacted, and sent home to England for ratification. They were at once repealed by the Queen and Council, without exception. The colonists did not, however, tamely give up the rights of humanity. The laws were again re-enacted, and continued in force until the year 1718. After that date, the mother country forced the colonists into the adoption of her own laws and sanguinary measures.

The contest, on the part of the colonial assembly and the crown, continued; but, after years of fruitless strife, the cause of humanity was forced to give way to the sanguinary system of the mother country.

During the connection of the colonies with Great Britain, no further reform was made; but as soon as a separation occurred, the public sentiment was disclosed, and this benevolent undertaking was incorporated into the first constitution of the State. It was regarded as one of the first fruits of liberty, and a confirmation of a remark of Montesquieu, "that, as freedom advances, the severity of the penal law decreases."

A few years before the breaking out of the revolutionary war, the distress of the prisoners, and disorders of the prisons of the city of Philadelphia, attracted the attention of many of the most orderly men of that city, who had long meditated upon plans for the removal of the evil complained of, and a society was formed for that purpose. The war, however, put an end to the association, and the effort was abandoned for the time. In the year 1776, the convention of Pennsylvania directed a reform of the penal laws, and the introduction of public hard labor as a punishment for offenses. The Legislature made the necessary provisions for the carrying out of this

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provision, and a law was enacted the same year, directing that the convicts should be employed in cleaning the streets, repairing the roads, &c.—have their heads shaven, and be distinguished by an infamous habit. This part of the law was fully complied with; but the effect was entirely opposite that contemplated by the framers of the law. Disorders, escapes, profanity, and many other evils followed, and continued while the law was enforced. The rapid increase of criminals became a source of great trouble to the good citizens of that city, and it was found difficult to find a place large enough or strong enough to hold them. Crime increased with the severity of the mode of punishing it. The keepers were forced to go armed while watching the prisoners at work in the streets, who were secured by iron collars and chains fixed to bomb-shells. The old and young—the hardened offender and the youth suffering the penalty of a first violation of the laws of his country—were indiscriminately worked and lodged together. They were followed through the streets by idle boys and loafing adults, and their profanity and vulgar conversation was a nuisance to the whole populace.

This state of things gave rise to various projects for remedying them. After a time, a society was formed, under the title of "The Philadelphia Society for the Alleviation of Public Prisons." This society appointed six of its members a committee, and made it their duty to visit the prisons, discharge those confined for small debts, and to mitigate all sufferings inseparably connected with such places.

These investigations soon led to a firm conviction that the severity of the laws, with the disgraceful mode of executing them, joined to a want of government in the prisons; the admissions of all kinds of characters to a free communication with the prisoners; the indiscriminate mixture of all descriptions of prisoners, without regard to character, sex, or condition, and idleness in the house, were among the principal causes of the evils complained of. To remedy them, the society, in conjunction with the city corporation, made an application to the Legislature for an alteration in the penal laws: 1st. To place the prison under inspectors composed of citizens of Philadelphia; 2d. To erect solitary cells, and to form a plan for its government. The Legislature passed a law, with the proposed amendments, and, in 1794, another, which abolished the punishment of death for any crime except murder in the first degree. The principles upon which these laws were founded, are: That the prevention of crime is the sole object of punishment; that every punishment that is not absolutely necessary for that purpose is a cruel and tyrannical act, and that every penalty should be proportioned to the offense.

In conformity to the requisitions of this act, inspectors of the prisons were chosen from among the citizens. They were empowered, with the approbation of the mayor, two aldermen, and two judges of the superior court, or two judges of the court of common pleas of Philadelphia county,

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to make rules and regulations for the government of all convicts in confinement.

The first move of these inspectors was to remove the debtors into another house, entirely distinct from the convict prisons, to stop all improper out-door communications; to separate the sexes; to suppress the use of spirituous liquors of all kinds; to introduce a system of labor suited to their situations, trades, and strength, to frame a plan of government for the house, and directions for the officers, and, generally, to introduce order, decency, economy, and industry.

This institution, one of the first of the kind in the United States, was so perfect in all its arrangements, and so well adapted to the purposes for which such institutions are intended, it formed the model for all those introduced into the other cities and States of the confederacy.*

This rapid sketch of the laws of various countries upon the subject of criminal prosecutions, has shown us the world shaking its chains and marching with a firm step towards the truth. To make this picture perfect, we should cast our eyes upon the moral condition of the globe, not in the narrow limits of the kingdoms which divide the soil, but in the larger divisions established by forms of faith, which properly constitute a people. The luminous tract is entirely in the progress of Christianity, because the gospel, in its primitive purity, is only a new expression of the laws of nature, which originally uttered only good will to man. Let the influence of this light be measured, and it will be easy to understand the future of the human race.

At the present hour, more than a third of the inhabitants of the globe have received the law of Christ, and live under the power of that word which creates nations. Europe was the centre of this civilization, and France and England the points of departure. There, in the cabinets of a few wise and good men, the destinies of the future have, in a measure, been prepared; there have sprung up and developed those generous thoughts of humanity and liberty, whose circles continually enlarge, spreading from country to country, and ultimately destined to multiply itself through the world.

Into this sublime league of intelligences, our own country came with the ardor of young manhood, and soon outstripped the mother countries. More fortunate than the other nations, she has had no "middle ages." Young America was free at her birth—no habits of servitude, no regrets for the past. She had no theocracies, which crush the masses down into the depths of misery and ignorance, to combat. The sublime spectacle, before unseen, of a nation born with liberty, toleration, and intelligence; neither monkery nor barbarism have darkened her escutcheon. Her oldest memories are those of toleration and freedom; and without having passed through the darkness of infancy, she reaches the age of truth, rich in the

*Rees' Encyclopædia.

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experience and in the rights of the human race. In every State composing this vast Republic, institutions for the insane, the blind, the deaf and dumb, and the idiotic, are established; and with them the most humane, and, at the same time, the most economical and successful mode of treating the unfortunate offenders against the laws of the land, have been established.

This report is intended to show what has been done in Kentucky to restrain and reform the criminal, since she has been an independent State.

CHAPTER II.

1798 to 1815.

In order to a correct understanding of the events chronicled in this chapter, the reader will do well to refer to the early history of our State. At the time this act was passed, Kentucky was comparatively a wilderness. Her population did not exceed, including white and black, 130,000. The vast and populous States of Ohio, Indiana, Illinois, Missouri, &c., were then occupied by the Indians. Tennessee was also a new and thinly populated State, having been admitted into the Union about the same time with Kentucky. There were no steamboats plying on the numberless tributaries of the "Mother of Waters," and the only means of transportation then available by the citizens of the new country were the keel and flat-boats, and the pack-horse. The iron horse had not then been thought of, nor had the powers of steam been developed. A journey to the Atlantic was an undertaking attended with more danger, and nearly as much expense, as now to visit half of Europe. There were few public journals published in the State, and they were read by a limited number of the citizens generally. The means of obtaining information were exceedingly limited, and intercommunication between the West and East was a matter of months instead, as now, of seconds. Amid all the difficulties incident to a new and frontier country, we shall, we think, find a scheme of penal laws, and a system of punishment based upon as sound philosophy as any country ever had before or since; and we may safely say that the first laws, and the first institution for carrying into effect those laws, proved to be equal, if not superior, to that of any new State whose history has been made a matter of record.

Kentucky was admitted as a State into the Union in 1792. Previous to this, she was a part, or county, of Virginia, governed by the laws of that State. Virginia established her penitentiary system in 1796, and Kentucky

in 1798. The laws establishing the systems are almost identical in each State. They were based upon the same principles, and were in substance the same as those originally adopted by Pennsylvania, where the system mainly originated.

The punishments for crimes in Virginia and Kentucky, previous to the introduction of the penitentiary system in each State, were as follows:

1. Treason. Death by hanging, without benefit of clergy.
2. Slaves conspiring to rebel or murder any free person. Death.
3. Free persons advising or conspiring with a slave in rebellion or murder. Death.
4. Stealing or selling a free person for a slave. Death.
5. Stealing a slave. Death.
6. Murder of the first degree. Death.
7. Robbing, or accessory before the fact. Death.
8. Burglary. Death.
9. Manslaughter. Death.
10. Maiming, by cutting out the tongue, putting out the eye, &c., and aiding therein. Death.
11. Killing a person in a duel. Death.
12. Rape, or accessory thereto. Death.
13. Carnally knowing or abusing a child under 10 years of age, or accessory before the fact. Death.
14. Slave attempting rape on a white woman. Castration.
15. Buggery, with man or beast. Death.
16. Willfully setting fire to a house in town at night. Death.
17. Slaves willfully burning any house, &c. Death.
18. Perjury and subornation of perjury. Death.
19. Forgery of any coin, bank notes, or aiding in such forgery. Death.
20. Forgery of any check, post-note, or order on any bank, &c. Death.
21. Forging or counterfeiting any tobacco brand, or exporting tobacco with any such brand or mark, with intent to defraud. Death.
22. Destroying or concealing any codicil or will, or aiding therein. Death.
23. Obtaining goods or money by false tokens. Death.
24. Horse stealing. Death.
25. Embezzling or stealing, and taking away any record, writ, return, process, warrant, &c., of any court. Death.
26. Grand larceny. Death.
27. Breaking jail, when the party was committed for any crime punishable with death. Death, without benefit of clergy.

All felonies were punished with death by hanging, without benefit of clergy. (*Va. Stat.*, 1803.)

The benefit of clergy was denied under the following circumstances: First. To all principals in the first degree in murder, burglary, arson, at

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common law; for the willful burning of any court-house, or county or public prison, or the office of the clerk of any court; for the felonious taking of goods out of any church, &c.; for robbing any person in their dwelling-house, the occupants being within; for robbing any person on the highway; for horse-stealing; for house-breaking by day, the owner being therein and put in fear.

All minor offenses were punishable either by burning in the hand, ducking, the pillory, or by whipping at the public whipping-post.

At the time of her admission into the Union, Kentucky was composed of the following counties, viz: Bourbon, Bracken, Campbell, Clarke, Christian, Fayette, Franklin, Fleming, Garrard, Green, Harrison, Jefferson, Jessamine, Lincoln, Logan, Mason, Mercer, Madison, Montgomery, Nelson, Shelby, Scott, Woodford, Washington, Warren—25.

In 1795 the State was divided into judicial districts, as follows:

First District, the counties of Jefferson, Nelson, Washington, Hardin, Green, and Logan; the courts to be held in Bardstown.

Second District, the counties of Shelby, Franklin, and Woodford; the courts to be held at Frankfort.

Third District, the counties of Mason and Campbell; the courts to be held at Washington.

Fourth District, the counties of Bourbon and Harrison; the courts to be held at Paris.

Fifth District, the counties of Fayette, Scott, Clarke, and Madison; the courts to be held at Lexington.

Sixth District, the counties of Lincoln and Mercer; the courts to be held at Danville.

The first jail ever erected in Kentucky was built in the town of Danville. The date I have not been able to obtain. An act of the Legislature, approved December 20, 1794, provided "That the sum of \$1,500 be appropriated for the erection of a public jail at the seat of government, and that Harry Innis, Wm. Murray, Thos. Todd, John Logan, and Baker Ewing, gentlemen, be, and they are hereby, appointed commissioners to erect the said jail, &c., &c.

"That as soon as the public jail is completed, the commissioners shall give notice thereof to the judges of the court of Oyer and Terminer, and the said court shall thenceforward be held in the town of Frankfort, in the room prepared for that purpose."

An act approved 27th February, 1797, made the public jailer at Frankfort an allowance of £20, in addition to his regular salary, on account of the great number of prisoners who had been committed to his care, and the high price of provisions, &c.

The act approved in 1795, creating the district courts, and dividing the State into six districts, also provided that all criminals should be tried in these district courts.

SYNOPSIS OF AN ACT TO AMEND THE PENAL LAWS OF KENTUCKY.

The following preamble sets forth the spirit of the penal laws of Kentucky, at the time of their enactment, and is in accordance with the principles of justice and mercy, as shadowed forth in the laws of Pennsylvania and Virginia, upon which model it is presumed to have been founded :

"WHEREAS, It frequently happens that wicked and dissolute men, resigning themselves to the dominion of inordinate passions, commit violations on the laws, liberties, and properties of others; and the secure enjoyment of these having principally induced men to enter into society, government would be defective in its principal purpose were it not to restrain such criminal acts by inflicting due punishment on those who perpetrate them; but it appears, at the same time, equally deducable, from the purposes of society, that a member thereof, committing an inferior injury, does not wholly forfeit the protection of his fellow-citizens; but, after suffering punishment in proportion to his offense, is entitled to protection from all greater sufferings; so that it becomes the duty in the Legislature to arrange in a proper scale the crimes which it may be necessary for them to repress, and to adjust thereto a corresponding gradation of punishment: And whereas, the reformation of offenders, an object highly meriting the attention of the laws, is not effected at all by capital punishments, which exterminate instead of reforming, and should be the last melancholy resource against those whose existence is become inconsistent with the safety of their fellow-citizens; which also weakens the State by cutting off so many, who, if reformed, might be restored sound members to society; who, even under a course of labor, might be rendered useful to the community, and who would be living and long-continued examples to deter others from committing the like offenses; and forasmuch as experience, in all ages and countries, has shown that cruel and sanguinary laws defeat their own purpose, by engaging the benevolence of mankind to withhold prosecutions, to smother testimony, or to listen to it with bias, and by introducing in many instances a total dispensation and immunity, under the names of pardon and benefit of clergy, and when, if the punishment were only proportionate to the injury, men would feel it their inclination, as well as their duty, to see the laws observed; for rendering crimes and punishments, therefore, more proportionate to each other,"*

§ 1. *Be it enacted*, That no crime whatsoever, committed by any free person against this Commonwealth, (except murder in the first degree,) shall be punished with death within the same.

§ 2. This section defines murder of the first degree to be those produced by poisons, by laying in wait, or by any other kind of willful, deliberate, and premeditated killing, or which shall be committed in the perpetration or attempt to perpetrate any arson, rape, robbery, or burglary; and all other kinds of murder deemed of the second degree.

* Lyttell's Laws of Kentucky, vol. 2.

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§ 3. Every person liable to be prosecuted for petit treason, shall, in future, be indicted, &c., and punished as other kinds of murder, according to degree.

§ 4. All persons convicted of high treason to undergo confinement in the penitentiary for not more than twelve, nor less than six years, at hard labor and in solitude. Every person convicted of arson, or as being accessory thereto, to be confined for not less than five, nor more than twelve years. For rape, or accessory thereto before the first fact, to be sentenced for not less than four, nor more than twenty-one years. For the crime of sodomy, (mayhem now, and buggery under the old law,) not less than two, nor more than five years. For murder in the second degree, not less than five years, nor more than eight.

§ 5. For the crime of robbery, or being accessory before the fact, restoration of the thing stolen to the owner, or to pay the full value thereof, and to undergo a confinement in the penitentiary of not less than three, nor more than ten years.

§ 6. For horse stealing, or being accessory before the fact, to restore the horse or its value, and to be confined for not less than two, nor more than seven years. For simple larceny, to the value of four dollars, or accessory, &c., to restore the amount, and to undergo confinement for a period of not less than one, nor more than three years.

§ 7. For stealing sums under four dollars, guilty of petty larceny, and to undergo confinement for not less than six months, nor more than one year, and to restore the articles stolen or their value.

§ 8. For larceny of bonds, obligations, &c., &c., the punishment to be the same as for larceny of goods, chattels, &c.

§ 9. For counterfeiting silver and gold coin and bank notes, confinement for not less than four, nor more than fifteen years.

§ 10. For maiming of every description, confinement for not less than two, nor more than ten years.

§ 11. For voluntary manslaughter, confinement at hard labor (solitary) for not less than two, nor more than ten years.

§ 12. Defines involuntary manslaughter as not punishable.

§ 13. Abolishes the privilege of the benefit of clergy, and makes all cases heretofore clergyable punishable by confinement in the penitentiary for not less than six months, nor more than two years.

§ 14. Makes aiders and abettors of murderers punishable by death.

§ 15. Makes it the duty of the jury to decide the term of sentence of each criminal.

§ 16 and 17. Declares the property of the person convicted liable to the Commonwealth for the expense of prosecution, and to have precedence of all other claims except dower and jointure; then, if there is property left, it is to be applied as restitution for the property stolen.

1798 to 1815.

§ 18. Provides commissioners to select a proper location for the penitentiary, to wit: "Harry Innis, Alexander S. Bullitt, Caleb Wallace, Isaac Shelby, and John Coburn, gentlemen, be, and they are hereby, appointed commissioners for the purpose of choosing a situation for the said jail and penitentiary house, in some town or village within this Commonwealth which will be most likely to afford the necessary materials for the labor and employment of the said convicts, on the most easy, cheap, and profitable terms, and in the greatest abundance—attending, at the same time, to the healthfulness of the said place—and which will be most likely, moreover, to afford the most suitable persons contemplated by this act to be employed in the superintendence and management of the same."

The further provisions of this section made it the duty of the Governor to fill any vacancy in this commission; and it then declares: "And, whereas, the funds of this Commonwealth may not, at present, be fully competent to the complete erection of said building, and to the purchase of a lot of ground on which to erect the same, and the benevolence of the good citizens of this Commonwealth may induce them to give their aid."

Be it enacted, That the said commissioners shall, within three months from the passage of this act, advertise, for four weeks successively, in the Kentucky Gazette, such times and places as they shall judge proper, when and where they will meet and receive any subscriptions that may be offered for the purchase of a lot of one acre of ground and the erection of the buildings aforesaid. The said commissioners, or a majority of them, shall, within five months from the date, after severally taking the oath well and truly to discharge the duties hereby imposed on them, to the best of their judgment, for the advantage of this Commonwealth, proceed to the choice of a situation aforesaid, and to the purchase of one acre of ground; the said acre of ground, when purchased, as aforesaid, shall be conveyed to the Governor for the time being, and his successor for ever, for the use of this Commonwealth for the purposes aforesaid; and the said commissioners shall give to the person so conveying the said lot, a certificate, under their hands and seals, expressive of such purchase, and the amount thereof, which shall entitle the holder thereof to receive the sum therein expressed from the Treasurer by warrant of the Auditor.

"All moneys subscribed as aforesaid, upon condition of erecting said buildings at any particular place, in the said subscriptions mentioned, shall, in case the commissioners aforesaid do make choice of such place, be considered as unconditionally due from such subscribers respectively, and may be recovered by the directors hereinafter mentioned, by motion, on ten days' previous notice to such subscribers, in any court of record having jurisdiction thereof, from which there shall be no appeal."

It was made the duty of the commissioners to make a return to the Governor, within ten days, of the place selected and the amount of subscription of the place selected; their duties then ceased.

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The Governor was requested, after the selection of the place, to appoint three directors to contract for and superintend the erection of the said building, which was to be sufficiently large to contain thirty persons. It was ordered to be built of brick or stone, and after the most approved style, with a residence for the keeper attached thereto. In addition to the main house, a wall was ordered to surround the yard, of height and strength sufficient to prevent escapes; within which the cells were to be built, and also the workshops, &c. The cells were ordered to be of the following dimensions: six feet wide, eight feet long, and nine feet high—to be constructed of stone or brick, and to be separated from the yard by a wall sufficiently high to prevent communication with the yard.

In section 19 it was ordered that \$500 should be paid out of the public treasury for the building of the said penitentiary and jail-house, and the commissioners to report plans, &c., to the next General Assembly.

§ 20. Provides that male and female prisoners be kept separated, and to be visited only by the officers and inspectors.

§ 21 and 22. Directs the manner of conveying convicts to the jail and penitentiary, and makes it the duty of the keeper to confine all persons in solitary confinement for such portion of their time as specified by the jury at the time of conviction; but the time should not exceed one-half, nor be less than one-twentieth. Power was given the inspectors to order solitary confinement at their discretion.

It was made the duty of the clerks to certify as to the previous character of the prisoner; and in section twenty-four it was provided that, for the second offense, the prisoner was to be sentenced for life, and to be confined in the solitary cells at the discretion of the inspectors. If he escaped, or was pardoned, and was convicted of another offense, he was to be confined twenty-five years, and suffer solitary confinement as provided in other cases.

Provision was made against contagious diseases in section twenty-seven.

§ 28. Provided that the convicts should be clothed with coarse materials of a uniform color and make, so as to distinguish them from good citizens; the males to have their heads and beards shaven once every week; to be fed upon bread, Indian meal, or other inferior food, at the discretion of the inspectors; to have two meals of coarse meat every week, and to be kept at hard labor, according to age, sex, and ability to work. They were to be instructed in such branches of labor as they may not understand by competent assistants; but, as far as practicable, to be kept separate while at work.

The number of hours for labor was regulated by section twenty-nine; and in section thirty-two the clerk was required to open accounts against all convicts who had no property and were sentenced for over six months; and provided the way by which the proceeds of their labor should be disposed of.

The remaining sections of this act provides as to who should visit the institution; the manner of keeping the apartments clean; for a hospital or infirmary, and who, and under what circumstances, convicts should enter it; the punishment for violation of the rules of the institution, and the mode of appointing the keeper; also the mode of appointing inspectors, and their duties, &c., &c. The act to take effect, so far as the purchase of the lot is concerned, on its passage; but the balance not until the buildings are completed.

At the next session of the Legislature, held in December, 1798, it was declared that the provisions of this act, except so far as relates to the purchase of a lot and the erection of the building, shall be postponed for two years.

An act passed and approved 20th December, 1799, declared that the said act shall be in force from and after the first day of May, 1800.

Section two of the act of 1799 fixed the salary of the keeper at \$333 33 $\frac{1}{3}$ per year, to commence from the time he shall enter upon the duties of his office. He was allowed to appoint a deputy or assistant, at a salary of one hundred dollars per annum.

§ 3. Directs the solitary cells to be built in such part of the house as the directors may select, with the approbation of the Governor. The act to take effect from date.

An act passed December 19, 1801, makes some unimportant alterations in the first act. It defines more minutely some crimes, and specifies more particularly others. In section three maiming is made a punishable offense—the sentence being from six months to five years.

The public documents of this date contain but little information in relation to the plans, the subscription for building the institution, and the letting and progress of the same. From such documents as I have been able to find, Col. Richard Taylor was the contractor; but who were the Directors of the building does not appear. Gov. Jas. Garrard, in his annual message to the Legislature, dated November 7, 1798, says: "The measures preparatory to the operation of our new criminal code, which were rendered necessary by the 'Act to amend the penal laws of this Commonwealth,' have been, as far as time and circumstances would admit of it, carried into execution. The commissioners acting under that law have fixed on a piece of ground in the town of Frankfort for the situation of the jail and the penitentiary house. Directors of the building have been appointed, some progress has been made in the work, and there are considerable preparations made for carrying it forward in the ensuing season. A system such as you have adopted, founded on the clear principles of justice and humanity, and sanctioned by sound policy, must be an object of the highest importance to the government, and claims the unremitting attention of the Legislature. I therefore feel a cheerful confidence that any further appropriations of money which may be necessary for carrying the law into effect, will be readily granted."

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First Kentucky Penitentiary - Completed 1795

First Kentucky Penitentiary - Completed 1795

First Kentucky Penitentiary - Completed 1795

1798 to 1815.

The documents for the session of December, 1798, show no reports in relation to the progress of the building, from any commissioners or committees of the Legislature. Some such reports were probably made; but the journals in the library of Major Davis are not perfect, a part having been destroyed. The acts show the following appropriations for the buildings during this session: "That upon application of the Directors appointed to contract for and superintend the building of a jail and penitentiary house, the Auditor shall issue warrants to the amount of \$3,000; and at the expiration of six months, on like application, the Auditor shall issue warrants for \$5,000 more, to be applied towards completing the jail and penitentiary house. Approved December 22, 1798."

In Gov. Garrard's next message, November 5, 1799, he says: "The penitentiary house is in considerable forwardness; and the reports of the Directors shall, as soon as received, be laid before you."

This report, if ever presented, cannot now be found. On the 19th of December, 1799, the Legislature passed a joint resolution allowing the sheriff of Franklin county to use the penitentiary for confining prisoners. They also passed an act giving to Richard Taylor further time to complete the walls around the penitentiary. The annual report of the Treasurer for this year shows the amount of cash paid for building the penitentiary, up to this date, was three thousand and fifty-eight pounds and eighteen shillings, (£3,058 18s.) and that the sum of seventeen hundred and seventy-three pounds, seventeen shillings, and eleven pence, (£1,773 17s. 11d.,) was paid for criminal prosecutions.

The sum of \$4,333 was appropriated at this session to aid the completion of the penitentiary, and the further sum of \$4,333, to be applied towards the same purpose after the first day of May, 1800. Also the sum of \$150 to each of the Directors for superintending the building of the penitentiary.

In my investigations I have not been able to ascertain the amount subscribed by the citizens of Frankfort and Franklin county towards building the institution; but I find on record a deed for one acre of ground, presented by Judge Innis to the State, on which the institution was originally built.

The buildings having been so far completed as to be ready for use early in the year 1800, the County Court of Franklin county, in accordance with the act of Legislature, appointed six inspectors, who, it will be perceived from the minutes kept by them, entered upon the discharge of their duties, and the following is the record of their first meeting:

"In pursuance of an act of the General Assembly, passed at the session in the year 1798, entitled 'An act to amend the penal laws of this Commonwealth,' James Blair, Richard Apperson, Nathaniel Richardson, Thos. Love, William Payne, and Daniel Weisiger, inspectors of the jail and penitentiary house, appointed by the County Court of Franklin county, in

1798 to 1815.

conformity to said act of Assembly, met at the house of Daniel Weisiger, in the town of Frankfort, on Monday, the 22d day of June, 1800, and elected Thomas Love, Nathaniel Richardson, and William Payne, inspectors for the first six months."

When this first meeting was held, there had not been received at the institution a single convict, though it is probable there were those in confinement in some of the district jails whom it was known would be sent on, as soon as provision was made for their reception.

The inspectors ordered and adopted the following as the wearing apparel of the convicts when subsequently received: "In the summer season, country linen for the shirts, overalls, and hunting shirts; the linen to be checked with deep yellow, the diamonds one inch square; the hunting shirts to reach below the hips. In the winter, suits of country linsey, same make and figure, with an under jack-coat, shoes and socks, a hat made of leather, with a flat crown, and a brim about three inches wide.

"The wearing apparel for the females to be of the same materials and figure as that for the males, and made into petticoats and jack-coats."

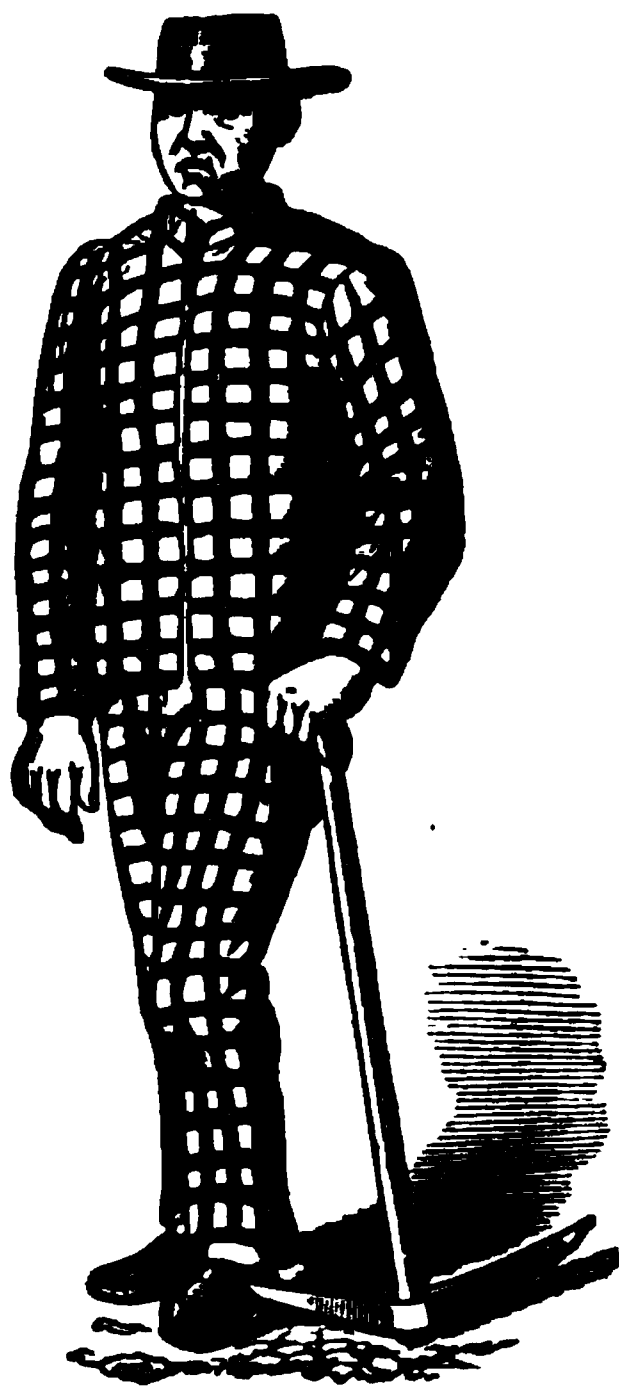
The engraving at page 23 is believed to be a correct representation of the first jail and penitentiary, and shows the manner in which the inmates were guarded until the buildings were torn down and the institution greatly enlarged, in 1823. The sketch was made according to the recollection of persons still living, and who were citizens of the place long before the alterations were made.

Our narrative will, for the first ten years, be confined mainly to extracts from the journals kept by the Board of Inspectors.

At this meeting, Edmund Thomas was made Secretary to the board for one year, and entered upon the discharge of his duties.

A committee, consisting of James Blair, Daniel Weisiger, and Richard Apperson, were appointed to draft rules and regulations for the government of said board, and report at the next meeting, to be held on Friday, July 11, at the house of Daniel Weisiger, at 12 o'clock. *Ordered*, That the necessary furniture be provided, and a copy of the order in relation to the clothing of the convicts be given to the keeper.

July 11.—The committee met according to adjournment, the following members being present, viz: Messrs. Love, Richardson, and Payne.



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There not being a quorum, the secretary was directed to inform the keeper that the board would meet at the penitentiary on the 19th inst., and that his presence was desired. The secretary was ordered to notify the members to be more punctual in their attendance, and their report would be expected at the next meeting.

July 19, 1800.—The board met according to adjournment, the following members being present: Thomas Love, Richard Apperson, Nathaniel Richardson, William Payne, and James Blair, gentlemen.

The committee reported the following rules and regulations for the government of the inspectors of the institution, which were adopted:

1st. The acting inspector for the time being shall preside and be styled the president by the inspectors during their meetings.

2d. When any of the inspectors wish to make any motion or proposition to the board, he must rise to his seat and address the acting inspector by the title of Mr. President.

3d. Not more than one of the inspectors must speak at a time; and if two members should happen to rise at the same time to make any observation to the board, the president shall designate the person, by calling his name, who is to speak.

4th. Laughing, whispering, and talking, while any member is speaking, or the clerk is reading, is improper, and the member guilty thereof is subject to be called to order by the president, and each member liable to the same animadversion who shall walk about the room or make any noise when any member is speaking.

5th. The president shall take the opinion of the members upon any question before the board, by requiring those in the affirmative to say "aye," or those in the negative to say "no." Any member may call for a division, which shall be known by those in the affirmative standing up and those in the negative keeping their seats, being directed so to do by the president.

6th. Every motion to be made by any member must be reduced to writing, if particularly required so to be done by the president.

7th. No debate shall take place on any question taken on any motion made by any of the members, unless the member making the motion shall have the motion seconded by some other member of the board.

8th. In every instance when the board is equally divided in opinion on any subject, the question, at the request of any member, may once again be discussed, and if, upon the second question, there shall be still an equal division, the question shall be divided by lot.

9th. That when the acting inspector does not attend, from accident or other just cause, it shall be in the power of the members present to appoint one as *pro tem*.

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Further time was allowed the committee to complete their rules and regulations.

September 24, 1800.—Board met, all the members present, and John L. Martin elected deputy clerk.

A certificate from the Lexington District Court, dated September 22, 1800, also a copy of the judgment rendered against John Turner, the first convict, were received and read, as follows:

STATE OF KENTUCKY:

LEXINGTON DISTRICT COURT, }
 September 22, 1800, (seventh day of term.) }

John Turner, late of Madison county, laborer, who stands convicted of horse stealing, was again led to the bar, in custody of the jailer, and the court proceeded to judgment on the verdict pronounced against him on the second day of this term. The jury having found the prisoner guilty of horse stealing, as in the indictment charged, and determined that he shall suffer a confinement in the jail and penitentiary house at Frankfort, according to law, for and during the term of two years; and it being required by law that the court shall fix the portion of the term during which the prisoner shall be kept in solitary confinement, on low and coarse diet, it is therefore considered by the court that the said John Turner be removed from hence to Frankfort as soon as practicable, and there to be placed and remain in the penitentiary house for and during the term of two years; and that for the one twentieth part of the said term he be placed and kept in the solitary cells, on low and coarse diet, according to law. And it is ordered that the sheriff of Fayette county do remove the said prisoner accordingly.

Attest:

THOS. BODLEY, C. L. D. C.

LEXINGTON DISTRICT COURT, September, 1800.

We, the judges presiding in the aforesaid court at the trial and conviction of John Turner, for the crime of horse stealing, do certify that, from the evidence exhibited in court, we had reason to believe that the offense of which the prisoner was convicted was the first offense; that he had supported a character from infancy fair and unimpeached; and that, from the whole of the testimony, we are led to represent the circumstances attending his guilt in extenuation rather than aggravation. In testimony, &c.

JOHN COBURN.

To the Inspectors of the penitentiary house.

James Blair, Thomas Love, and Daniel Weisiger, appointed to petition the next Legislature to appropriate money to purchase articles for the use of the board. Richard Apperson had leave of absence.

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The keeper* was directed to furnish the following articles for the use of the penitentiary, viz: Two wheelbarrows, two shovels, two hoes, two axes, one mattock, and one shovel.

James Blair, Daniel Weisiger, and Richard Apperson, appointed a committee to draft rules and regulations for the government of the convicts; also to petition the Legislature for money to pay for digging a well in the yard, inclosing a garden, &c.

October 29, 1800.—Board met, and adjourned to meet on 13th November.

November 13.—Board met; all the members present.

A certificate was received from the Washington District Court, dated November, 1800; also a copy of the judgment rendered in the same case, against Samuel Moss, the second convict.

December 24, 1800.—Board met at the penitentiary.

Ordered, That the clerk to this board do deliver certificates, directed to the Auditor of Public Accounts, certifying that George Rowland and Francis Rateliff are entitled to the sum of £76 14s.; Richard Taylor, £71 1s. 11d.; Letcher and Cunningham, £6 8s. 10d.; William Rowland, £16 2s. 4d.; Samuel Price, £109 12s. 2d.; John Rennex, £11; and John Crutchfield, £3—agreeable to an act of the Legislature, &c.

The clerk, Edmund Thomas, ordered to affix the names of the members present to each certificate.

January 1, 1801.—The board met, and N. Richardson appointed clerk, *pro tem*.

After ordering sundry articles of furniture for the use of the institution, the board directed "that it be published in the Palladium that proposals will be received by the board for doing the following work, viz: Capping

* John Stuart Hunter was born in Bucks county, Pennsylvania, in the year 1760. His father was a farmer, and lived in the same county until his death. At the age of sixteen, the subject of this notice went to the city of Philadelphia, where he engaged as clerk in a retail store, at which calling he continued until he was old enough to commence the study of medicine. His medical studies were pursued under the care of Dr. Hugh Shiell, a distinguished Scotch physician, who was the father of Mrs. Thomas Bodley, late of Lexington, Kentucky. How long he continued his medical studies is not known, nor is there any evidence of his having attained a degree in the profession, or made any effort to practice before leaving his native State. In 1783 he emigrated to Kentucky, and located in Louisville, where he opened a dry goods store for the retail of a lot of goods which he brought with him from the East. Shortly after his location in Louisville, he had the misfortune to lose not only the whole of his stock of goods, but a valuable library. Also, after this, in 1788, he removed to the town of Danville, Kentucky, where he married the widow Faunt Le Roy. In 1793 he acted as surgeon's mate to the Kentucky militia, in Wayne's campaign. From Danville he removed to Georgetown, Scott county, and in 1799, while a citizen of that county, he was elected clerk to the Legislature of Kentucky for one session. It was while acting in that capacity that he was persuaded by some of his friends to accept the office of keeper to the penitentiary.

The office, instead of proving what he hoped it would, resulted in a serious loss to him, both in time and money. In 1806 he resigned the office of keeper, and returned to his farm in Scott county, where he remained until the time of his death, which occurred in 1823. In 1819, the Legislature passed an act appropriating the sum of \$1,851 for his benefit, being the amount claimed by him for services, &c., over his receipts while acting as keeper.

I have been told by persons who knew him well, that he was an amiable gentleman, very sanguine, and somewhat visionary in his notions.

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the walls with plain cornice, flooring the cells, fencing the out ground, one outside cellar door, fixing the porches, laying the cellar floors in part, glazing front cellar windows, &c., &c."

Adjourned until to-morrow.

January 2, 1801.—Board met; Achilles Sneed appointed clerk to the board. The board to petition the Legislature to allow the clerk a suitable salary.

The following account was presented by John S. Hunter, the keeper, and ordered to be paid.

[No. 1.]

John Hunter bought of John Mulamphy, for prison:

October.	£	s.	d.
To 2 padlocks, at 4s. 6d.; 2 blankets, at 18s.	2	5	0
To 1 yard duffel for socks, 4s. 6d.; pair shoes for Turner, 12s.	16	6	
To 1 quire paper, 2s. 3d.; thread for making convicts' clothes, 1s. 6d.	3	9	
	<u>£3</u>	<u>5</u>	<u>3</u>

Ordered, That certificates issue to Thomas Moore for £4 17s. 5d. and £2 12s. 10½d., it being for two accounts rendered this day for the following articles of clothing, and for the boarding of the two convicts, Turner and Moss.

[No. 2.]

September 23, 1799.	£	s.	d.
For boarding John Turner from this date to the 23d December, inclusive, being 90 days, at 4s. per 7 days	2	11	5
For 1 blanket, 18s.; making 2 shirts and 2 pairs pants, 12s.	1	10	0
To thread for do., 9d.; making 1 pair socks, 1s.	1	9	
To making a blanket coat, 6s.; thread for do., 9d.	6	9	
To washing and mending	7	6	
	<u>£4</u>	<u>17</u>	<u>5</u>

[No. 3.]

November 8, 1799.	£	s.	d.
For boarding Samuel Moss from this to the 31st December, inclusive, 61 days, at 4s. per 7 days	1	14	10½
For making 2 shirts and 2 pairs pants	12	00	
For washing and mending	6	00	
	<u>£2</u>	<u>12</u>	<u>10½</u>

At this meeting, the keeper was ordered to purchase blacksmith tools, and to fit up the two south rooms for that purpose. Several other jobs were ordered, and two stoves purchased.

The front yard was also ordered to be inclosed under the supervision of two of the inspectors.

The walls being considered insecure, and not sufficiently protected, it was ordered to be capped with brick, wood, or stone; the work to be advertised in the Palladium.

At the two next meetings, held on the 15th and 16th of January, it was ordered that all the ground belonging to the institution be fenced in—the

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walls to be capped and plastering finished. The fencing was given to John Bacon, at 90 cents per pannel; the plastering to James Dunn, at 11½ cents per square yard, &c.

On the 24th, at another meeting, the capping of the walls was given to Oliver Brown, at \$1 36 per foot, to be done of stone. The guttering and flooring of cells given to Amos Anderson, and some other jobs to William Nelson.

February 28, 1801.—Ordered, That the walls to inclose the solitary cells be made of brick, and the keeper to employ hands to do the same.

In consequence of the good conduct of Samuel Moss during his confinement, he was recommended by the board for a pardon.

March 25.—Board met. The keeper presented to the board a pardon from the Governor for Samuel Moss, he having been discharged the 18th inst., which pardon is as follows:

JAMES GARRARD, *Governor of the Commonwealth of Kentucky, to all to whom these presents may come, greeting:*

WHEREAS, It has been represented to me, by James Blair, Richard Apperson, Thomas Love, and Daniel Weisiger, Esquires, inspectors of the jail and penitentiary house, that Samuel Moss, who is confined therein, has, during his confinement, behaved in a very industrious and orderly manner, and discovers a penitence of the crime of which he was convicted; and whereas, the exercise of mercy towards him may be productive of favorable impressions on his mind, and may have a tendency to encourage a like industrious and orderly deportment in others; therefore, know ye, that by virtue of the power vested in me by the constitution, I do pardon the said Samuel Moss for the offense of which he has been convicted, and do hereby order that he be discharged from confinement accordingly.

Given under my hand and the seal of the State, the 18th day of March, 1801.

By the Governor:

JAMES GARRARD.

HENRY TOULMIN, *Secretary of State.*

The keeper was ordered to furnish the board with bills of all the receipts and expenditures of the institution.

A certificate of the conviction of Peter Winebrenner, convicted of felony in the Franklin district court, was received.

Thomas Love and Daniel Weisiger appointed a committee to contract for the plastering not yet done, and to pay Thomas Settles \$9 for chairs.

*April 8.—*John Bacon allowed \$148 21 for work done on contract.

William Dunn reported as having failed to do the plastering according to contract.

William McQuiddy allowed \$26 for a bellows for the blacksmith shop.

June 2d.—Board met; Daniel Weisiger president. The keeper presented certificates from the clerk of the circuit court of Fayette county, of the

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conviction of James Dougherty, George Bundy, Francis Cox, and George Fielding, alias Peter Burnam.

Board had sundry meetings between the last-named and the one on September 25th, at which time (the last) the sum of \$988 was allowed Oliver Brown for capping walls around the prison.

October 9.—Board met; William Payne, president, *pro tem*. The keeper was ordered to procure forty locks for the safe-keeping of the convicts; and the clerk authorized to procure a record book to record the certificates from the circuit courts.

The keeper was directed to procure a certificate in writing as to the health of each convict on his reception.

Ordered, That Peter Winebrenner be allowed 3d. on each pair of shoes he makes of best quality; 2d. for second quality. For best boots, 12d.; for second best, 9d.; and those under him be allowed 2d. per pair of best shoes; 6d. for second best. The weavers to be credited 4d. for each yard of cloth of six hundred and under; for finer quality, 1d. more.

William Hunter allowed £6 1s. 6d. for books furnished the institution.

The board met again the 7th December.

January 2, 1802.—The board met, and was composed of the following newly elected members, viz: John Logan, Christopher Greenup, Henry Toulmin, Thomas Todd, Thomas Love, and James Blair, gentlemen.

John Logan was elected president.

Messrs. Todd, Greenup, and Toulmin were appointed a committee to attend to the completion of the junction walls, &c.

Messrs. Blair, Love, and Greenup appointed a committee to draft rules and regulations for the government of the board.

John Logan was appointed acting inspector.

January 14, 1802.—Present, His Excellency, James Garrard, and the other members of the board.

The committee on by-laws reported the following:

1st. The Governor for the time being to be considered as president of the board. In his absence, the acting inspector to preside; and in the absence of both, the board to elect a president, *pro tem*.

2d. The President shall take the chair at the hour that the board shall adjourn to, and shall cause the names of the inspectors to be called over, and, on the appearance of a majority, shall direct the clerk to read the journal of the preceding day.

3d. He shall preserve decorum and order in the board for the regular business before them, and shall decide on questions of order, subject to an appeal to the board.

4th. He shall appoint committees, to consist of not less than two of the members, subject to additions by a motion of any member of the board.

5th. He may state a question sitting; but shall rise to put a question.

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6th. Questions shall be distinctly put in this form: All you who are of the opinion that, (as the question may be,) say aye. All you of the contrary opinion, say no.

7th. If the president is not satisfied with the manner in which the question is decided by the ayes and noes pronounced by the members, or shall any member desire it, the vote shall be decided by the ayes rising in their places, and the noes sitting still. The president, on counting, shall finally decide which has the majority.

8th. The president shall not vote unless the vote of the board be equally divided, and in that case he shall give the casting vote; but may debate on any question.

9th. When a member is about to speak, or deliver any matter to the board, he shall rise and address himself respectfully to Mr. President.

10th. When two members shall rise to speak at the same time, the president is to name the person who is to speak.

11th. Whilst the president is putting any question, or addressing the board, none shall walk across the house or out of the room. Neither in such case, nor when a member is speaking, shall any entertain private discourse or use indecent behavior.

12th. No member shall vote on any question in the event of which he may be particularly interested, or in any other case where he was not present when the question was put.

13th. Every member who shall be in the room when a question is put, shall vote on the one side or the other, unless excused by the board.

14th. When a motion is made and seconded, it shall be stated by the president; or being in writing, shall be handed to the chair and read aloud by the clerk, before debate.

15th. Every motion shall be reduced to writing, if the president or any member desires it.

16th. When a motion is under debate no motion shall be received, unless to amend or to adjourn, until it is determined.

17th. Any member may call for a division of the question, when the same will admit of it.

18th. A motion for amendment, until it is decided, shall precede any other amendment of the main question.

19th. Any member failing to attend any meeting of the board, shall be fined one dollar. If a member who does attend at any meeting, fails to attend within thirty minutes of the time to which the board was adjourned, he shall be fined half a dollar, unless excused by the board in either case. The said fines shall be collected by the clerk, and subject to the disposition of the board. The clerk shall note down the absentees, keep a regular account of the fines incurred by any inspector, and lay the same before the board at each stated meeting.

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20th. That 11 o'clock, A. M., be the standing hour of adjournment, at which hour the succeeding board shall meet.

21st. That no person be permitted to come into, nor remain in, the room of the inspectors during their sittings, unless particularly requested by the board.

The committee on the junction wall made a report; which was adopted.

Messrs. Todd, Blair, Greenup, and Toulmin, were appointed a committee to draft by-laws for the internal government of the institution, and report at the next meeting.

Ordered, That the acting inspector be required to visit the institution twice a week, and to report at each stated meeting.

John Hunter, the keeper, was appointed physician to the institution, and required to make reports to the acting inspector, and to be under the control of the board.

Messrs. Greenup, Logan, and Love, were appointed a committee to ascertain the quality of materials provided for the institution; how they have been disposed of; what quantity of clothing has been provided for the convicts; what contracts made for dieting them, &c.; how they have been employed, and what sales made of the goods; and to call upon the keeper for all accounts, &c., &c.

Every inspector appointed for one year to be acting inspector for one month, in rotation.

The committee on building smith-shop instructed to have six pairs of *fetters* made and delivered to the keeper.

Messrs. Greenup, Logan, and Toulmin, appointed a committee to see that certain contracts for completing the prison be complied with.

The following permit was adopted by the board for such visitors as may wish to visit the institution:

"Permit A B to visit the jail and penitentiary house within the walls, in your presence.

"To Capt. JOHN HUNTER, *keeper of the jail and penitentiary.*"

Not more than two grown persons were allowed to enter under one permit; nor more than that number to be in the walls, unless in the presence of one of the inspectors.

January 23, 1802.—Board met; present, His Excellency, the Governor, Christopher Greenup, John Logan, Thomas Love, and Henry Toulmin.

The committee on by-laws allowed further time.

The clerks of several courts having failed to send proper certificates in relation to the conviction of prisoners, it was ordered that the judges of the several district courts be requested to have the matter attended to.

The acting inspector made his monthly report, stating that he had visited the institution frequently, and found every thing doing well.

JAMES GARRARD, President.

February 20.—Board met. The acting inspector reported all doing well.

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FIRST REPORT OF THE MEDICAL ATTENDANT.

"The convicts, at present, are all in perfect health, except Ann M. Walbut, who appears indisposed; but not yet able to ascertain her complaint, being taken the evening of the 9th inst.

"JOHN HUNTER.

"To Col. Greenup, Visiting Inspector."

Ordered, That the dieting of the convicts be regulated as follows, viz: On Tuesday and Saturday, with meat and bread; on the other days of the week, with bread, soup, and vegetables, and milk when the season will permit of it; also, that a sufficiency of soap be furnished each convict weekly, for washing; and that the price of ten cents per day be allowed for the furnishing of each convict as above.

April 24, 1802.—Thomas Letcher allowed \$59 86 for brick for building blacksmith shop, and John Runnicks £40 4s. 11d. for work done on same, and extending wing walls.

Messrs. Todd, Greenup, Blair, and Toulmin appointed a committee to ascertain the expenses of the criminal prosecution of each convict now in confinement; the average proceeds of their labor; the expense of their clothing and maintenance, &c., in order to exhibit the accounts of each.

Mr. Todd, acting inspector, made the following report:

GENTLEMEN: Agreeable to the standing order of the board, I have visited the jail and penitentiary house during the present month, and have examined the conduct of the keeper, which has been satisfactory.

The convicts have been employed according to the directions of the law, as far as circumstances would permit. The smith-shop is now nearly in readiness to be used. Some few tools only are wanted to set the convicts to work, which will be procured in a few days. The health of the convicts will appear by reference to the report of the physician, which he has made to me, and returned herewith.

April 24, 1802.

THOS. TODD.

PHYSICIAN'S REPORT.

April 16, 1802.—T. Jones—Colic:

1 dose castor oil.

Bled.

Anodyne—recovered.

April 22.—J. Dougherty—Inflammatory fever, occasioned by an old rupture:

1 dose salts—recovered.

April 23.—Jeremiah Bradley—Rheumatism in the knee:

Bled and dose salts.

April 23.—George Bundy—Inflammation in breast, occasioned by an old bruise:

Bled.

9 styptic powders.

JOHN HUNTER.

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June 10, 1802.—Called meeting. Mr. Blair, as acting inspector, made the following report:

I have examined the conduct of the keeper, and am entirely satisfied therewith. I have observed that the convicts (such as were able) have been regularly engaged in such work as suited their different trades or professions. I am happy to add that the smith-shop has been some time ago completed; and two of the convicts, who are excellent workmen, have been constantly engaged to great advantage in the said shop. I refer you, sir, to the report of the physician, (which accompanies this,) as to the health of the convicts. A convict from the district of Mason, sentenced for two years' imprisonment for the crime of horse-stealing, was received on the 23d day of May, 1802. George Fielding, *alias* Burnham, having completed the term of his sentence, (one year,) was on the 30th day of May released from imprisonment.

PHYSICIAN'S REPORT, NO. 3.

May 11.—George Bundy—Heamoptysis:

Bled in the arm.

Dose sal glauber.

Dose castor oil.

Spermacetti sal nitre.

Common sugar and e. tartar, in powders

May 28.—Thomas Jones—Colic:

Dose castor oil.

May 2.—James Dougherty—Rupture:

1 dose glauber salts.

1 dose castor oil.

A truss.

Cold bath.

May 30.—Alex. Taylor—Inflammatory fever:

Bled in the arm.

Tartar emetic.

JOHN HUNTER, *Physician.*

The regulations and by-laws for the internal government of the jail and penitentiary house, reported the 31st March last, were taken up, amended, and agreed to, as follows:

1st. The convicts shall receive necessary clothing, uniform in colors and make—that is to say, the men shall receive, on the first day of May annually, two pair of linen overalls, (pants,) two shirts, and one hunting shirt of brown country linen; and on the first day of November, annually, two pair linsey overalls, two linsey hunting shirts, one linsey waistcoat, and a linen shirt of a brown color; also, two pair woolen socks, two pair shoes, and a partly-colored cloth cap. The women shall receive, on the first day of May, annually, two shifts, two petticoats, two short gowns, and

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one bonnet of brown country linen, and one pair of shoes; and on the first day of November, annually, two petticoats, two short gowns of linsey, two pair woolen stockings, and one pair shoes. They shall wear the dress hereby prescribed for them. And the clothes in which they may be committed shall be fumigated, aired, and laid by, to be returned to them at their discharge.

2d. They shall be furnished with suitable bedding—that is to say, coarse, country tow linen for a bed-tick, filled with chaff or straw; two woolen blankets, and a *bunk*, which is to be erected in each lodging room.

3d. They shall change their linen once a week; shall bathe when directed by the keeper; and daily wash their faces and hands before breakfast, necessary towels being kept for them to wipe with. The heads and beards of the men convicts shall be closely shaven, on every Saturday evening, by the said convicts, in rotation.

4th. On every Saturday, the convicts shall wash and iron their clothes; and likewise their blankets on the first Mondays in January, April, July, and October.

5th. The floors of the rooms shall be swept daily, and washed on every Saturday. The walls shall be whitewashed on the last Saturday in April and October, by one or more of the convicts, in rotation, who shall have an extra allowance of diet on the days they perform such washing and whitewashing.

6th. The yard shall be kept free from cattle and other stock.

7th. The physician shall keep a register of the sick, their disorders, and his prescriptions, and lay the same, with his charges, before the inspectors in the months of April and October.

8th. The dieting of the convicts shall be as follows: On Tuesdays and Saturdays, they shall be allowed meat and bread; on the other days of the week, bread, soup, vegetables, and milk, when the season will permit.

9th. No person shall buy, sell, or barter any articles in the penitentiary with a convict.

10th. Any person who shall introduce into, or give away, or barter or sell within the penitentiary, any spirituous liquors, (except where expressly allowed by law,) shall be forever prohibited from visiting any convict, until the sentence be revoked by the board of inspectors, and shall forfeit the sum of \$20.

11th. The males and females shall eat, and be kept, in separate apartments; and shall have no intercourse or communication with each other. Every male convict shall lodge alone; and shall work alone, unless the nature of their employment shall require otherwise.

12th. No persons whatever, except the keeper, his deputies, servants, or assistants, the inspectors, officers, and ministers of justice, members of the General Assembly, ministers of the gospel, or persons producing a written

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license, in the following form, to-wit: "Permit A B to view the jail and penitentiary house, within the walls, in your presence. C D.

"Captain JOHN HUNTER, Keeper, &c. —day of—."

13th. During the night, lamps shall be kept burning in the galleries, when the keeper shall deem it necessary.

14th. Labor shall commence at sun-rise, and end at sun-set; provided, however, than an interval of half an hour shall be allowed for breakfast, and one hour for dinner; and that they shall not labor more than eight hours in a day in the months of November, December, and January; nine hours in the months of February and October, and ten hours in the rest of the year.

15th. The prisoners shall walk and air themselves in the yard, at such times as the keeper shall permit, and in the presence of himself or one of his deputies.

16th. No games of chance shall be allowed, nor shall any other sports be used, but with the express permission of the keeper.

17th. The convicts shall be encouraged to employ any leisure time in reading; and donations of books will be thankfully received; and the keeper shall take care of them, and procure a list, with the names of the donors.

18th. On every Sunday, in the morning and in the evening, shall be read to the convicts, assembled for that purpose, some plain, practical, and instructive discourse. The acting inspector, or the keeper, or some one of the convicts selected by him, shall be reader.

19th. If any person be guilty of fraud or theft, of any assault, quarrel, or abusive words, or of cursing or swearing, or of indecent conversation or behavior, or of idleness or negligence in work, or of willful mismanagement or waste, or of insolence to the keeper, his deputies, or any inspector, or of disobedience to any of the preceding regulations, he shall be immediately confined in one of the cells destined for the refractory; and shall continue there for so long a time as the board of inspectors, or, in case they should not assemble, the acting inspector shall deem necessary.

20th. Any person who shall attempt to escape, shall immediately be put in irons; shall be confined in one of the cells for so long a time as the board of inspectors, or the acting inspector, shall deem necessary; and shall afterwards be kept entirely apart from the others, until the board shall determine otherwise.

The Public Printer was directed, by the board, to print one hundred copies of the above rules and regulations.

Messrs. Todd, Toulmin, and Greenup were appointed a committee to inquire whether or not the board of inspectors had the right to employ a guard, and what would be the expense of the same.

June 26, 1802.—Board met. Mr. Toulmin, acting inspector, reported:

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Those convicts to whom any regular work has been assigned, appear to be industrious and attentive; but it is to be lamented that some of the new convicts have not as yet any stated employment. This circumstance is an evil of considerable magnitude, in various points of view; and though perhaps it may, in a short time, be remedied with respect to those now in confinement, yet it must infallibly recur again in the admission of new convicts, unless some plain and useful line of labor can be determined upon and always ready, and be, if I may use the expression, at all times considered as the order of the day for new comers.

But to determine what this shall be is the grand difficulty. I have thought that the spinning of hemp ropes and twine, and, eventually, thread fine enough for coarse linen, might be so learnt that the preparation of the hemp would afford some employment, and that the procuring of implements and materials will be attended with but an inconsiderable expense.

The conductor of the rope manufactory near this town is, however, of opinion that the spinning of hemp is an employment which cannot be beneficially taken up by persons arrived at years of maturity. I had hoped to have been able, previously to the present meeting, to obtain further information on this subject at Lexington, especially if I could have met with some person there any way concerned in the *duck* manufacture lately projected there. This, however, has not been in my power. I am sensible, at the same time, that it must be the policy of the superintendents of this institution to have the attention of the keeper, in providing employment for the convicts, divided by as few objects as the nature of the case will admit.

The superintending of three or four branches of business, procuring of raw materials for them, and disposing of the articles manufactured, is really a perplexing and arduous task; and especially so where population is so scantily diffused as it is in this town and neighborhood.

The proposal, therefore, of employing more of the convicts at the forge and the loom appears to be an expedient one, and will require the consideration of the board, as to what further arrangements shall be made for carrying it into effect.

The petition of Dorsey Phelps was presented to the board and read; whereupon the board agreed to petition the Governor for a pardon for her.

Another blacksmith shop ordered, and that all convicts hereafter sent to the penitentiary without trades or occupation, be put to shingle-making.

July 26, 1802.—Board met, and Mr. Toulmin made the following report:

Since our last stated meeting, an event has happened which calls for new vigilance and new precautions. Two of the convicts have escaped, and others have attempted to escape. Could a greater promptness of pursuit been exercised, it is probable that the fugitives would have been retaken; and it may be advisable that the board should make such representations

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to the Legislature as will draw their attention to the necessity of establishing a military company of minute men, to be always ready to engage in the pursuit of those who may escape. Perhaps, likewise, some amendments may be requisite to the laws relating to escapes, that people may be more effectually deterred from secreting, countenancing, and assisting those who break from the penitentiary.

The board having directed me to hire two watchmen, I understood from the deputy keeper that he had a brother who would be glad to undertake the business, and that he was willing to officiate in the meantime. I likewise engaged another person to attend until the present meeting at ten dollars per month, who, if he can be engaged permanently, may be the means of rendering very essential service to the penitentiary, in regard to the employment of some of the convicts. He is by trade a nail-maker, and his working within the walls would be a very considerable restraint on the convicts, in addition to that which they are now under; and it is probable that if three or four hands were placed under his care, to be instructed in the nail-making business, they would be as usefully employed as in any way that could be devised. The following is an estimate, according to the best information I can procure, of the probable proceeds of the labor of four hands employed in nail-making. Each hand will for the first year work up, on the average, about forty pounds of iron per week, the cost of which for four hands, at 9d. per pound, will be - - £6 00 00 They will use about six bushels stone-coal, - - - 6 00

 £6 6 00

Each will make about 35 pounds of 10d. nails per week, which,

at 1s. 6d. per pound, will produce for the four, - - £10 15 00

Their weekly earnings, therefore, will be £4 9s.

In the second year their work may be averaged at sixty pounds of iron per week each, provided they be constantly employed.

Out of the £4 9s. must be deducted the wear of tools and the compensation given to the workman who undertakes to instruct and superintend them. What this will be I cannot tell, but have requested Mr. Monks, whom I have employed as a guard, to be ready to wait on the board when desired. I would only add, that it appears to be highly necessary that the lower guard-room should be rendered fit for the watchmen to attend in it.

July 26, 1802.

H. TOULMIN.

Mr. Todd, chairman of the committee appointed at a former meeting to make inquiries in relation to the hiring of a guard, and the means of defraying the expense of the same, reported that by the 33d section of the act to amend the penal laws, the keeper was authorized to appoint one or more watchmen to patrol said jail, at least twice in every hour, from nine o'clock at night until the time of labor in the ensuing day; but no provision was made for paying said patrol. They report that two watchmen

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could be had at ten dollars per month each, which the committee considered reasonable.

The law having failed to provide for the means of paying said watchmen, the committee recommend that they be employed until the next meeting of the Legislature, and the board to be individually responsible for the pay.

August 20.—Board met, and Mr. Blair, the acting inspector, reported that the convicts had been profitably employed, and but few invalids among them. Bundy reported as improving in health. Some alterations had been made in the smith-shop and cells. Twenty-four of the locks ordered at a previous meeting had arrived, and the price found to be high. Bradley had been retarded in his work in the smith-shop by rheumatism; but a few chains had been made for the punishment of refractory convicts. The case of Dougherty, a convict who had been laboring under melancholy, had been duly cared for, and the Governor had pardoned him.

At a meeting of the board on the 25th September, the keeper made the following report:

Rachel Miller, a convict from Lexington district, September term, received in the jail and penitentiary, was examined agreeable to law, and found free from contagious disease.

JOHN HUNTER, A. P.

He further reported that Alex. Taylor had been liberated on expiration of sentence, on the 23d inst.

The acting inspector requested to have the accounts of the convicts brought up for the inspection of the Legislature.

October 15, 1802.—Messrs. Todd, Toulmin, Greenup, Blair, and Logan, gentlemen, were appointed a committee to prepare a report for the next Legislature. This report was drawn up and presented to a committee of the Legislature in November following, and is as follows:

We beg leave to draw the attention of the committee to certain provisions of the law which seem to us to require amendment.

1st. The first point which we shall notice, is that which relates to the mode of indemnifying the public and the individual for the expenses and loss occasioned by the person convicted.

The seventeenth section of the penal act declares that the lands, tenements, goods, and chattels, of all persons convicted under that act, shall be liable, first, to discharge the expenses of prosecution, conviction, and removal of such offender; and, secondly, to the making of restitution to the party injured, who is entitled to an execution for the same. Upon this provision, it may be observed, that no mode is pointed out how the expenses incurred by the Commonwealth shall be relieved. No execution is given the Commonwealth, as it is the party to whom reparation is adjudged. Nor, indeed, does it appear that it can legally issue in favor of the party till the claims of the Commonwealth have been satisfied. Nor

is it pointed out in what manner it is to be ascertained what lands, tenements, goods, and chattels the party convicted was possessed of at the time when he committed the crime, or when he was convicted. And though it is incidentally provided that the estate of the convict shall go towards paying for the support and clothing of the convict, yet it is left uncertain how much shall be appropriated towards the object when the estate is incompetent to defray the expense of prosecution, and to make restitution, and in what manner it shall be so appropriated. The clause which provides that the reparation to the party injured shall be made after the expenses of prosecution and support and clothing have been deducted, seems likewise to postpone all restitution till the expiration of the time for which the convict is condemned to be confined in the penitentiary.

2d. The second particular to which we would call the attention of the committee, is the defect in certifying the costs and charges of prosecution to the keeper of the penitentiary. The costs and charges of the examining court, and other charges of guards while in the county jail; fees to the sheriff for summoning witnesses; expenses in the removal of the accused from the county to the district jail; witnesses' attendance, &c., ought to be comprehended and distinctly stated in the report made to the keeper.

The past negligence of the clerks likewise evinces the necessity of some mode being adopted to enforce their compliance with the requisitions of the law.

3d. In the thirty-second, it provides that accounts shall be opened for such convicts as have no property. It does not strike us that there is any good reason why similar accounts should not be opened for all the convicts. The good order and regularity of business, in conducting the affairs of the institution, equally require it in the case of those who have property, as in the case of those who have none; and the encouragement which the prospect of some remuneration affords to diligence and industry would probably operate as powerfully in the one case as the other.

In the course of our attendance at the penitentiary, it has often struck our minds that some of the convicts are sent for too short a time. The practice of sending offenders to this place for six or eight months is attended with an expense which their labor in that period cannot discharge. It is not worth while, for so short a time, to have them instructed in any mechanical art, and the frequent occurrences of instances of the discharge of persons has a natural tendency to produce restlessness, and, consequently, machinations for escapes among those who remain. Either other punishments should be devised for inferior offenses, or the convicts should be compelled to stay till they have discharged the expenses of prosecution.

5th. On the subject of escapes, we would observe that they are greatly facilitated by the co-operation or connivance of those within the walls, as well as by the aid and succors which they receive from those without. Probably it would lead to the detection of conspiracies to escape, if those

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who remain, or such of them as the inspectors believe to have been privy to the intentions of such as got away, were charged with a proportion at least of the expenses which had been incurred in the prosecution, &c., of the fugitives, and severally confined till each had made up his quota. Immediate pursuit is indispensable. Ought not the keeper, with one of the inspectors, to be authorized to dispatch, on the instant an escape has been discovered, one or more persons in pursuit of the fugitives, with authority to call on the proper officers of the county to which they may have fled for all necessary assistance? Some standing reward for apprehending them may be established by law, subject, however, to be augmented in extraordinary cases by the Governor; and, to prevent delay, a warrant from the keeper and one of the inspectors, should have authority all over the State, as the warrant of the justice of the peace has in any case. The several penalties on those who harbor fugitives must be held up and enforced.

The thirty-third section of the law provides for the procuring of watchmen; and as they are undoubtedly necessary, and, in fact, essential, to the existence of the institution, some provision should be made for their being paid. We conceive that they may be paid out of the proceeds of the labor of the convicts; and the keeper's account against the convicts should debit them with the expense of the watchmen. Accordingly, since the escape of Moreman and Wright, conceiving that the nature of the case required it, and that the law justified them in so doing, they have hired two watchmen. They doubt not but that the Legislature will ratify the measure, and relieve them from the responsibility which they personally came under to the person employed. The mode of punishing such convicts that escape, and may be retaken, has been adverted to in the communications of the Executive, and will no doubt receive due attention from the General Assembly.

6th. As to the situation and treatment of the convicts, the twenty-second section directs that every convict shall be kept a certain part or portion of the time of his imprisonment in the solitary cells. We would request of the committee whether there be any solid reason for this regulation. Whilst a convict conducts himself with propriety, it should seem that it can be attended with no good effect to break in upon the hours of labor to confine him in a dungeon. If solitude be enforced with the view of affording him a greater opportunity for reflection, is it to be considered that there is an interval sufficient for that purpose during the time that they are severally confined to their respective lodging-rooms at night, after making a necessary allowance for the hours consumed in sleep? In the case of illness and refractory behavior, confinement in the solitary cells is unquestionably a mode of punishment that ought to be had recourse to. In relation to the diet of the convicts, we conceive that some change in the law may be advisable.

They are allowed but two meals of coarse meat per week. In some seasons of the year it is not easy to obtain a competent supply of vegetables; and at no season, perhaps, would the allowance of meat for three days in the week add to the expenses of their maintenance, or be attended with any bad consequences. As to the necessity of making some regulation with regard to the civil relations of the convicts, and the situation in which they shall be considered as standing with reference to their wives, their families, and the public at large, the attention of the Legislature has already been invited by the Governor; and we only mention it here for the sake of bringing every thing into view which has relation to the penitentiary system.

Some amendments are desirable in that part of the law which relates to the appointment of a keeper. It is provided, in the thirty-seventh section, that he may be removed whenever occasion may require; but it is not provided by whom, or in what manner, he is to be removed; and it will, therefore, be presumed that it must be in the established mode, by impeachment, or on the address of two thirds of both Houses of the General Assembly—a mode more dilatory and circular than, in case of urgency, would be compatible with the welfare of the institution; and we mention this circumstance more readily at this time, as it cannot be supposed to originate in any objections to the character of the gentleman who fills that office with so much credit and respectability.

The securities of the keeper are, by the same section, required to be approved by the county court, and his bond is directed to be executed before the same court. But, as the court meets only occasionally, and cannot, at any time, be summoned for the purpose, as the inspectors can, we would submit whether these duties would not more properly devolve upon them. It would probably be attended with a good effect, if the deputies likewise, together with the watchmen and other persons constantly employed about the penitentiary, were also required to give bond and security for the faithful discharge of their respective duties; and, in all cases, more speedy remedies than a suit at law should probably be given for breaches of the conditions of the bonds.

Solicitous for the prosperity of that equal mode of punishing offenses established by the act to amend the penal laws, we would take leave to suggest whether it would not be advisable that all the fines inflicted by that act, and all others which may be recovered in any of the district courts, in behalf of the Commonwealth, for breaches of the laws, should be appropriated to the use and benefit of the penitentiary. If this were done, and the inspectors were authorized to demand them, the public would be more sure of deriving some advantage from penalties which are now, perhaps, often diverted into private channels.

9th. By the thirtieth section of the act to amend the penal laws, the keeper of the penitentiary, with the approbation of any three of the

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inspectors, is authorized to provide a sufficient stock of materials, &c., for the employment of the convicts—the expense of which is to be drawn from the treasury in the manner therein specified. The keeper is made responsible for those materials. There are also other duties assigned him. We conceive the business assigned the keeper in this section can be much better performed by a person to be appointed as an agent, whose duty shall be to furnish the materials, receive them when manufactured, dispose of them, keep the accounts relating thereto, the accounts of the prisoners, and act as clerk to the board of inspectors. In a very short time, these will afford constant employment to one person, especially if the number of the convicts should increase. At this time, the keeper is too much occupied by this kind of business to attend to other duties which are necessary for the safe-keeping of the convicts, and attend to them in their different employments. The situation of the accounts, from the commencement of the institution, has occupied much of the time of the inspectors. They are, at this time, not well ascertained and arranged, and it will require the skill of a good accountant to put them in order. A rough draft of them will be submitted by the inspectors to the committee, from which it will appear that, by proper measures, the institution will, in a short time, support itself. Indeed, the inspectors would not hazard much in offering that, if the Legislature will make the necessary regulations, all expenses of criminal prosecutions, where convictions take place, may be reimbursed. Should any agent be appointed, as above suggested, it is believed that very little, or no money, would be drawn from the treasury in future to purchase materials, or for any other use about the penitentiary.

The accounts would then be properly kept, and at every meeting of the inspectors they could at one view see the funds, and appropriate them to the purposes of the institution. This has not been done heretofore, owing to the confused state of the accounts; and the person who has acted as clerk to the inspectors, and who has been employed to post the books, so far as to enable the inspectors to form an opinion as to the receipts and expenses, has had great difficulty, and will, in the opinion of the inspectors, deserve compensation from the public treasury.

10th. Provision is made by law to compel the keeper to account for any sums or balances which may be in his hands; and although the thirty-first section of the law points out a mode in which the inspectors may examine into the accounts, and in case they discover any frauds therein they are directed to report to the county court for the purpose therein mentioned, yet there is no part of the law defined; and in all institutions it requires the greatest skill to manage the finances thereof, and too great pains cannot be taken on this subject.

We shall conclude by stating one further difficulty. Two subscriptions were mentioned in the original penitentiary law—one for erecting the buildings, and another for purchasing the ground. The latter was put

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into the hands of John Johnson for collection, who some time since lost it, and became insolvent. Doubt arose whether a balance due for the ground, of about forty pounds, could be paid out of the other subscription. We solicit the attention of the committee to this subject, and legislative provision thereon.

JAMES GARRARD, *President*.

The joint committee of the two Houses, appointed to examine the penitentiary, made the following report:

That a law ought to pass to provide for the several amendments and regulations stated in the report of the Board of Inspectors, and the several papers accompanying said report be laid before each House of the General Assembly. Also, that the joint committee do prepare and report a bill to the House of Representatives.

In accordance with the recommendation of the inspectors, as set forth in their address to the Legislature, an act was passed and approved December 2, 1802, containing the following amendments to the original law:

§ 1. It was made the duty of any examining court in which a prisoner was tried, where such case ought to be tried in a superior court of jurisdiction, to make out a statement of all the expenses attending the apprehension, guarding, maintenance, and examination of such prisoner, in the manner and form following:

I do hereby certify that the following items contain the amount of the expenses incurred by the Commonwealth in the prosecution, &c., of A. B., for felony:

To three justices of the Court of Quarter Sessions, one day,	\$6 00
To clerk, for attending examining court,	4 00
To sheriff, for summoning and attending same,	4 17
To sheriff, for summoning four witnesses,	84
To maintenance ten days, at eighteen cents per day,	1 80
To two guards ten days, at seventy-five cents each pay day,	15 00
To witnesses' attendance,	5 00
	\$36 81

Attest:

E. F., *C. M. C. Q.*

And it was made the duty of the sheriff, on removing the prisoner to the district jail, to file with the clerk of that court a bill of charges attending such removal. And when a prisoner was convicted in any district court, it was made the duty of the clerk to transmit to the keeper of the penitentiary, by the sheriff, a statement of the reparation adjudged to the party injured, and likewise the expenses incurred in the maintenance, guarding, trial, examination, and removal of such convict to the district jail, in the manner and form following:

I do hereby certify that the following items contain the amount of the expenses incurred by the Commonwealth in the prosecution, &c., of A. B., convicted of ———, in the ——— District Court:

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To amount of charges, as certified by the clerk of the examining court,	\$36 81
To charges of removal, as per the sheriff's certificate, from the county to the district jail,	00 00
To sheriff, for summoning <i>venire</i> ,	00 00
To sheriff, for summoning witnesses,	00 00
To expenses of <i>venire</i> ,	00 00
To expenses of witnesses,	00 00
To sheriff, for — days' attendance,	00 00
To maintenance in the district jail,	00 00
To amount of reparation adjudged to G. H.,	00 00

When there were two or more prisoners, the expenses were to be distributed among them; the sheriff to lodge certificate of expenses to the penitentiary. A failure on the part of either officer, subjected them to a fine of \$50.

§ 2. The property, of every description, of the convict, was made liable for the above charges, in preference to all other demands, except dower and jointure, and was to be bound from the commencement of trial before the examining court. The party injured was entitled to an execution from the clerk of the circuit court, as soon as the offender was convicted, and said execution could not be replevied—a return of which was to be made to the keeper of the penitentiary, under a penalty of \$50.

§ 3. Required the agent to open an account against each convict on his entrance into the penitentiary, charging him with all the expenses certified above; with so much of the restitution remaining unsatisfied, the expense of his clothing, &c., the expense of agent, watchmen, &c., with so much of the amount due to the Commonwealth from any prisoner who may have escaped, as the inspectors might deem proper. He was to be credited with the net proceeds of his labor, and if, at the expiration of his sentence, there was any surplus in his favor, it was to be appropriated to his use, &c.

§ 4. In case of escape, the keeper and one of the inspectors were authorized to issue a warrant for his arrest, directed to all sheriffs, constables, and citizens in the Commonwealth, authorizing and requiring them to seize and convey to the penitentiary such convict, for which a reward of one hundred dollars was to be paid out of the funds in the hands of the agent, and the same to be charged to the account of the convict. The law authorized the keeper, or one of the inspectors, to hire an agent to go in pursuit of said convict—allowing him a reasonable compensation, to be paid in the same manner. Any officer refusing to obey the summons, and any person found guilty of aiding the escape of the convict, was to be punished with fine and imprisonment. When an escaped convict was retaken, he was to be tried in the Franklin district court. After a true bill had been found by a grand jury, he was sentenced to further confinement,

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according to verdict of the jury, and to be charged with all the expense of retaking, &c. When a convict escaped and was not retaken, the amount due by him to the Commonwealth was charged to the other convicts still in confinement, who had any knowledge of his intention to escape.

§ 5. When a convict was sentenced to the penitentiary for one year or more, his wife had the right to apply to a court of chancery for alimony; and his infant children were to be regarded as orphans during the confinement of the father in the prison, and were to have guardians appointed to them, by the county court of the county in which he resided, and be governed by the act of 1797 regulating guardians, &c. During his confinement, he was liable to be sued as though he had never been convicted, and the processes were to be handed to the keeper, and he to hand them to the prisoner. He had the right to dispose of his property by will, as other persons, and, at the expiration of his sentence, his property reverted to him again; and the act of limitation could not be brought to bear against him.

§ 6. Confinement in the solitary cells abolished, except for punishment, at the discretion of the keeper.

The act allowing only two meals of meat per week was also repealed, and three meals per week allowed, at the discretion of the inspectors, provided it did not increase the expenses of the institution.

§ 7. The inspectors were allowed to employ four or more watchmen to guard the prisoners, and assist in such other duties as the inspectors might designate. In case of the escape of a convict while a watchman was on guard, he and his securities were to be fined forty dollars, unless it should appear that he used all diligence to prevent the escape. In case he connived at or assisted the escape of the convict, he was subject to be tried as a felon, and sentenced to the penitentiary for not less than one, nor more than four years.

§ 8. It was made the duty of the Governor to appoint and commission an agent, whose duty it was to provide materials for the employment of the convicts; to receive and take charge of the articles made or manufactured in the penitentiary; to dispose of them; to pay the watchmen, on order from the inspectors, and to discharge such other duties as they may require of him; to keep a regular account of all receipts and expenditures taking place in or on account of the penitentiary; to keep a day-book, which shall be posted weekly and laid before the inspectors at every meeting, and lay a general view of the whole before the Legislature. In case of a surplus fund being in his hands, it was to be placed in the treasury, subject to the order of the board. He was to act as clerk to the board, and to receive such compensation as the board might allow him, provided it did not exceed one hundred and fifty dollars per annum—one half to be paid out of the public treasury, and the other out of the proceeds of the institution.

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§ 9. Repealed so much of a former act as required the bond of the keeper to be entered in the county court, and also requiring the inspectors to report to that court; and required the bonds to be taken by the Governor, with securities, in the sum of two thousand dollars for the agent and keeper, and four hundred dollars each for the watchmen; and prescribes the means of enforcing the forfeiture.

§ 10. Authorized the Governor to remove any officer, on the address of two thirds of the Legislature.

§ 11. Required that all fines arising from the provisions of the acts passed in 1798, and also in the act passed in 1801, or of this act, should be paid into the hands of the agent of the penitentiary, and by him duly accounted for. It was further made the duty of the clerks of the several courts in which such fines were recovered, every year, in the months of August and September, to transmit to the keeper, under the penalty of three hundred dollars for failing so to do, an account of all the fines so recovered, &c.

§ 12. Authorized the contractors for building the penitentiary to pay for certain lots on which the same is built, out of the subscriptions received or to be received.

§ 13. Provided that the inspectors should have power to settle all the affairs, &c., of the institution.

§ 14. Prescribed the mode of punishing those who might violate the provisions of this act.

§ 15. Authorized the receiving of United States convicts on the same terms and conditions of other convicts, except that any surplus left of the proceeds of the convicts' labor was to be placed to the credit of the United States.

§ 16. Repealed the seventeenth, twenty-second, and thirty-ninth sections of the act of 1798, and all other acts which may conflict with this act.

§ 17. Abolished the office of assistant keeper of the penitentiary, and applied his salary to that of the agent. This act to commence and be in force from its passage.

The following resolution was passed by the board of inspectors:

Resolved, That Achilles Sneed be recommended to the Governor as a proper person to be appointed as agent for the institution.

The clerk of the board was directed to address a circular to the clerks of courts, containing the amendments in the law in relation to criminal prosecutions.

Messrs. Toulmin and Greenup were appointed a committee to procure two watchmen or guards.

Messrs. Todd, Blair, Greenup, and Toulmin, were appointed to amend and review the by-laws for the internal government of the institution, according to the late laws upon the subject.

In January 2, 1803, Governor Greenup appointed Morgan Bryant agent, who gave as his securities William Hubble and Daniel Gano. By an act

of the Legislature, passed at this session, it was made the duty of the agent to reside in the institution, and to assist the keeper in the discharge of such duties as the board of inspectors should require of him. A room in the front building was allotted him for sale of articles and for keeping the books. One of the wells now in use in the yard was ordered to be dug this year. The report of the acting inspector represented that some of the hands were idle for want of stone-coal, and a few were on the sick list.

At the meeting in April the discharge by expiration of sentence of two convicts was reported; also, the employment of two watchmen, viz: Christian Waggoner and John Bowman, at ten dollars per month.

The next meeting was held in July, at which time Mr. Todd, as acting inspector, reported that the smiths had been idle for want of materials, and that the keeper had failed in his efforts to get them. He reported the weaving department as doing a profitable business. Other convicts had been received, and Bundy pardoned, since last meeting.

In November following Mr. Love, acting inspector, reported the smith-shops finished; but still no materials had been procured. The weavers were still doing well; but the shoemakers had been hindered by the illness of Winebrenner, and the discharge of Bundy and Jones. Other convicts had been received.

On the 28th February, 1804, Mr. Toulmin, acting inspector, made the following report:

There are now thirteen male convicts in the penitentiary—two new ones having been received in the course of the present week. Of these thirteen, there are two blacksmiths, two shoemakers, one good cooper, one indifferent cooper, two weavers, one nailer, three who are, for the want of some manly occupation, employed in spinning, and one who had done several jobs about the house as a carpenter. The smiths and nailer have been for several months idle for want of coal and iron; and from the above statement, it appears that there are four others who have no regular and profitable employment. It therefore evidently behoves the board of inspectors to provide employment for them; for without this, this institution must inevitably sink. For this purpose liberal advances are necessary at first; and it may be hoped that if they be now made, the public will be reimbursed, with ample interest, previously to the next session of the Legislature. Iron and nail rods sufficient to last nine months ought to be procured, and that without delay, and at the best market. Six of our present hands might then be employed at nail-making. Indeed, I conceive it would be most advisable to put all the new convicts who are sufficiently young to the nail-making business, unless they are really good workmen at some other branch now carried on in the penitentiary. It is certainly of the highest importance to confine the objects of attention in the prison to the fewest and most profitable occupations possible.

THOMAS TOULMIN.

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At this meeting, the board passed an order directing the agent to go to Pittsburg and purchase the following articles, for the use of the prison: two tuns bar iron; two tuns nail rods, and two hundred pounds of steel. He was further directed to purchase 500 bushels stone coal, an article, at that time, difficult to be had. In addition to the above, he was ordered to procure four additional sets of nailer's tools, with an additional bellows. To pay for the above articles, the keeper was to draw on the treasury for the sum of \$1,100. The agent was to keep an exact account of all the nails made and sold, and to pay the proceeds into the public treasury as fast as received.

The agent was directed to credit each blacksmith with one third of the value of the articles manufactured, and other work done by him; also, every striker in the smith-shop with thirty cents per day, to be deducted out of the one third allowed to the principal smith as wages; every nail-maker, with one fourth of the price of nails made by him. The above articles to be weighed by the agent twice a week, and due credits given to each convict. Every cooper, with two fifths of the value of articles made and work done by him; every shoemaker, with two thirds of the price of making and mending every pair of shoes and boots; every weaver, with two thirds of the price charged for warping and weaving every piece, &c.; and for every description of work not herein mentioned, such credit shall be given as the said agent may deem expedient, subject, however, to the correction of the board.

The agent was ordered to charge each convict as follows:

For clothing per year,	-	-	-	-	-	-	\$20 00
For subsistence, and the expense of watchmen and agent,	-	-	-	-	-	-	36 00
When there are in the prison 10 convicts,	-	-	-	-	-	-	31 50
When there are in the prison 12 convicts,	-	-	-	-	-	-	26 20
When there are in the prison 13 convicts,	-	-	-	-	-	-	24 20
When there are in the prison 14 convicts,	-	-	-	-	-	-	22 40
When there are in the prison 15 convicts,	-	-	-	-	-	-	21 00
When there are in the prison 16 convicts,	-	-	-	-	-	-	19 40
When there are in the prison 20 convicts,	-	-	-	-	-	-	15 25

And in the same proportion when the number of convicts may differ from the above table; and he shall regulate his charges according to the greatest number in the penitentiary during any one quarter in the course of the year.

At a called meeting of the board of inspectors, held in June, 1804, an investigation was had in relation to the escape of Wiley, Gatheran, and Henson. Ralph Weathers, a convict, was found guilty of having aided in the escape of the above-named convicts, and sentenced to receive fifteen lashes on the bare back, and to be confined in the solitary cells for one week; and the keeper ordered to carry the same into effect. They further ordered that Richard Temlinson, John Murphy, D. Lawson, James Turner,

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and Ralph Weathers, prisoners, be charged with an equal portion of the expense of the retaking of Gatheran. Information had been received by the board that the escaped convicts had been aided by some person or persons while passing through Pendleton county; and Mr. Toulmin was directed to write to an individual of that county to obtain the facts in the case. They ordered, also, that the watchmen should remain within the walls on alternate Sundays.

The following is a copy of the first register kept in the institution :

No.	Names.	Where born.	Occupation.	Age.	County.
1	John Turner.....	Madison county, Ky..	Laborer.....	----	Fayette.
2	Samuel Moss.....	Mason county, Ky..	Laborer.....	----	Mason.
3	Peter Winebrenner.....	York, Penn.....	Shoemaker.....	37	Woodford.
4	Ralph Weathers.....	Frederick Co., Va....	Farmer.....	52	Fayette.
5	Adam Fogle.....	Maryland.....	Farmer.....	43	Nelson.
6	Wm. Gatheran.....	South Carolina.....	Mason, smith, ac.	19	Greenup.
7	Wm. Jamison.....	Virginia.....	Carpenter.....	53	Jennamima.
8	Richard Tomlinson.....	Virginia.....	Farmer.....	36	Fayette.
9	David Demaree.....	New York.....	Farmer.....	31	Shelby.
10	Guardis Lock.....	Virginia.....	Carpenter.....	27	Shelby.
11	Martin Timberlake.....	North Carolina.....	Carpenter.....	29	Garrard.
12	Isiah Bradley.....	Pennsylvania.....	Smith.....	48	Madison.
13	(John Crawford, alias (Martin Heaton.....	Ireland.....	Smith.....	----	----
14	Alexander White.....	Virginia.....	Smith.....	20	Bourbon.
15	David Lawson.....	Virginia.....	Shoemaker.....	40	Garrard.
16	George Esmonds.....	England.....	Bricklayer.....	31	----
17	Nathaniel Sipple.....	Delaware.....	Shoemaker.....	34	Ohio.
18	John Williams.....	North Carolina.....	Shoemaker.....	29	Barren.
19	Wm. Alcorn.....	South Carolina.....	Cooper.....	38	Madison.
20	Aquilla Greer, jr.....	Virginia.....	Smith.....	27	Warren.
21	George Fielding.....	Massachusetts.....	----	64	Fayette.
22	Michael Dillingham.....	Virginia.....	----	35	Christian.
23	Wm. McClere.....	Virginia.....	Nail-cutter.....	22	Greenup.

The board met for the transaction of business in August, and made a contract with Richard Throckmorton to supply the institution with water from the Cedar Cove Spring, at eighty dollars per annum, the work to be done by the 15th October following. Throckmorton was then laying wooden pipes from the spring to supply the town with water.

At a meeting held in December following, his Excellency, Gov. Greenup, was present, and acted as chairman; and the board consisted of the following gentlemen: John Logan, William Hunter, William Trigg, and Achilles Sneed, gentlemen.

The Governor appointed Thomas H. Hinde agent, which appointment was confirmed by the Senate, and he received his commission and entered upon the discharge of his duties.

The Governor appointed the following gentlemen a board of inspectors for one year, and their appointments were confirmed by the Senate, viz: John Logan, Thomas Love, William Hunter, Isaac E. Gano, William Trigg, and Achilles Sneed. Mr. Hinde gave as his securities John Logan

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and Achilles Sneed, who entered into bond in the sum of two thousand dollars, conditioned for the faithful performance of his duties. He was also appointed clerk to the board.

Mr. Logan reported the condition of the institution since the sixteenth Jane last. During that time, John Murphy had been discharged by expiration of sentence, and also Ralph Weathers. Mrs. Walbut, the first female prisoner, and Theodorick Phelps, had been pardoned, and Adam Fogle, by expiration of sentence. Two convicts, viz: Sipple and Williams, had been received—the former for horse-stealing, and the latter for counterfeiting.

Serious sickness had prevailed during the fall, which greatly interrupted the affairs of the institution. The agent had been sick, and was, therefore, not prepared to exhibit his books and show the condition of the institution. The board, at this meeting, declared the office of agent as being separate from that of the keeper, and repealed the order requiring the agent to reside in the institution and to assist the keeper at his request. Authority was given the acting inspector to direct the agent to assist the keeper when necessary. A committee was appointed to make inquiries of Major John Kenney, in relation to the erection of machinery for cutting nails in the penitentiary.

January, 1805.—The board of inspectors held two meetings during this month, at the first of which some unimportant matters were attended to, and, at the second, the acting inspector, Mr. Trigg, made his regular report. The institution was in good condition, the agent having succeeded in making ample provisions of materials, and met with favorable success in selling the manufactured articles at fair prices. Each convict was furnished with a small blank book to keep an account of his work, the amount done, and for whom done, which book was to be handed to the agent or keeper when called for. Peter Winebrenner and Joseph Bradley had been pardoned and set at liberty since the last stated meeting. A committee, consisting of Messrs. Sneed, Logan, and Trigg, were appointed to settle with the late keeper and agent. In February, Dr. Hunter, the keeper, resigned the office of physician, and Dr. Gano was appointed his successor. In March, a conspiracy was detected by the keeper of a plan for an escape, and Tomlinson was suspected of being at the head of it. Upon investigation, he was found guilty, and sentenced to solitary confinement for three Sundays in succession.

The agent contracted with Jephtha Dudley for the manufacturing of two tons of nails—Dudley to furnish the rods and coal, and to pay at the rate of 5d. per pound for manufacturing the nails.

The following table of charges was substituted for the bill before established for the expense of keeping the convicts:

	PER ANNUM.
When in confinement 10 convicts, - - - - -	\$43 05
When in confinement 11 convicts, - - - - -	39 50

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When in confinement 12 convicts,	- - - - -	36 25
When in confinement 13 convicts,	- - - - -	33 46
When in confinement 14 convicts,	- - - - -	31 07
When in confinement 15 convicts,	- - - - -	29 00
When in confinement 16 convicts,	- - - - -	27 18
When in confinement 17 convicts,	- - - - -	25 58
When in confinement 18 convicts,	- - - - -	24 16
When in confinement 19 convicts,	- - - - -	22 88
When in confinement 20 convicts,	- - - - -	21 75

The agent released Achilles Sneed, and substituted Hubbard Taylor, as his security. The committee appointed to settle with the keeper, were discharged from the further consideration of that subject.

Meetings were held in March, April, and May, at which the acting inspectors, Sneed and Gano, made reports. The only business of importance transacted was an order that Morgan H. Bryant call on the keeper for a full and final settlement of his accounts. Rachel Miller, convicted of larceny in the Franklin Circuit Court, had been received. The following report of the attending physician was presented and received:

COMMONWEALTH OF KENTUCKY,

Dr.

To ISAAC E. GANO, *physician to the jail and penitentiary house:*

Feb. 18.	To visit and medicine for R. Tomlinson.....	£0 4 6
Feb. 19.	To visit and pills purgans for R. Tomlinson	0 5 3
Feb. 20.	To visit for R. Tomlinson.....	0 3 0
Feb. 21.	To visit and urg. basil for R. Tomlinson.....	0 5 3
Feb. 23.	To visit and pill anodyne for R. Tomlinson.....	0 4 0
Feb. 24.	To visit for R. Tomlinson.....	0 3 0
March 9.	To visit for White	0 3 0
March 10.	To pills purgans for White.....	0 2 3
March 10.	To pills purgans for Keaton	0 2 3
March 10.	To pills purgans for Esmonds.....	0 2 3
March 30.	To visit for Esmonds	0 3 0
March 31.	To visit for Esmonds	0 5 3
April 1.	To visit for Keaton.....	0 3 0
April 1.	To pills purgans for Keaton	0 2 3
April 12.	To visit for Alcorn.....	0 3 0
April 12.	To pills anodyne, No. 3, for Alcorn	0 3 0
April 12.	To calomel for Alcorn	0 2 6
April 16.	To visit for Alcorn	0 3 0
April 16.	To pills purgans for Alcorn.....	0 2 3
April 17.	To sal glauher for Alcorn.....	0 1 0
April 17.	To sal glauher for Esmonds.....	0 1 0
May 10.	To sal glauher for Alcorn.....	0 1 0
May 12.	To tart. ant. for Gatheran.....	0 1 6
May 17.	To sal glauher for Esmonds	0 1 0
May 17.	To sal glauher for Alcorn.....	0 1 0
May 17.	To sal glauher for Keaton.....	0 1 0

Total amount to this day £3 9 6

Ordered to be paid.

P. S.—Tomlinson's case—Fever and inflamed leg.

White's case—Fever and indigestion.

Keaton's case—Fever, &c.

Esmonds' case—Full habit.

Keaton's case—Same as above.

Alcorn's case—Billious colic.

Gatheran's case—Sick stomach.

ISAAC E. GANO

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No business of importance was transacted by the board until August, when the reports show that the prisoners were, to some extent, idle, for want of materials. At a called meeting, in the latter part of August, one of the guards was ordered to be discharged for intemperance, and the agent ordered to employ Thomas Elliott to superintend the chair-making business. They also held a special meeting, for the purpose of settling with the keeper; but his books and accounts were found to be in such a deranged condition nothing could be done. He was ordered to be charged with \$184 56 for weaving done for him previous to the appointment of an agent, and also \$151 cash; and that he furnish the board with his account for victualing the convicts up to the 22d of January, 1803—giving the date of entrance and discharge of each convict; and, also, a similar account, up to the time when the present agent took charge of his office—his account for clothing, &c. An order was made that a warrant be drawn on the treasurer for the sum of \$50, to buy provisions for the convicts.

On the 25th November, the board met and received the report of the acting inspector. John Logan was elected president of the board; and William Trigg read the report. Several convicts had been received, and others discharged by expiration of sentence, or pardoned. There were then in confinement twenty convicts, all in want of clothing. To supply which, he said, would require 123 yards of linsey, for pants, hunting shirts, and vests; 9 yards cloth, for caps; 74 yards linen, for shirts; 36 pairs of socks; 27 blankets, and 72 yards coarse linen, for beds.

The following report of the condition of the institution was made to the Legislature:

Wednesday, November 27, 1805.—The inspectors of the jail and penitentiary house, impressed with the propriety, and feeling sensibly the importance and humanity of the institution, are induced to present to the committee from the Legislature a report containing such information as they conceive necessary. The present board of inspectors were appointed in January last, and entered upon the duties with a spirit of examination into the prior management of the affairs of the institution. Their first inquiries were as to the situation of the accounts, thereby to ascertain the gain or loss to the State, proceeding by the labor, or occasioned by the expenses, of the convicts, promising to themselves to lay before the Legislature accurate information as to the dividing the accounts.

The first three years after the establishment of the institution, the whole management of the business was intrusted with the keeper, and with whom great exertions have been made to produce an adjustment of accounts. Order after order, and successive committees, were appointed for the settlement, all of which proved abortive as to the production of those accounts, which, by law, ought to have been kept by him at all times ready open to an inspection, and ready for settlement. It is, therefore, concluded.

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that, thus far, the Commonwealth must be considerably loser, and that a proper adjustment of these accounts never will be had.

An agent was then authorized, and by the Governor appointed, whose duty it was to assist the keeper in conducting the affairs of the institution, and exclusively to provide materials for the different manufactories, to dispose of articles manufactured, receive the money therefor, and keep fair accounts—by which it was intended that, at any time, on examination, the inspectors could at once see the standing of the institution with the Commonwealth; but, in the person who first filled the office, we found the same important defect—not having kept his accounts in an intelligent manner—on account of which it has been impracticable to effect a settlement, and impossible to know their standing.

We are therefore unable to give that satisfaction we hoped to have done, and are only able to say that we are of opinion that the institution has hitherto been a considerable expense to the State; but under proper management that expense may be avoided. The inspectors feel a delicacy in saying thus much; but in discharging their duty to the Commonwealth, and acting under the confidence of the government, they are compelled to lay aside personal regard and report impartially.

The inspectors therefore take the liberty of recommending to the Legislature some changes in the law, which they conceive would make the system more perfect.

1st. That the agent ought to be free and independent of the keeper, because it was intended that he should act as a check on him; therefore, that part of the seventeenth section of the act amending certain penal laws, and making further provisions for the regulation of the penitentiary, as says, "the agent shall assist the keeper, when required thereto," ought to be repealed.

2d. That the number of inspectors is too great, which creates a difficulty in procuring a meeting of the board. The Governor, with four others, would be sufficient, because the fewer the number the greater would be the responsibility; consequently, the greater inducements to become acquainted with and discharge the duties of office.

3d. That the eleventh section of the above recited act, appropriating certain fines for the use of the penitentiary, should direct the several clerks to certify to the agent, instead of the keeper, an account of such fines, if any, and if not, that there is none; and that a certificate or account to this effect shall be forwarded to the agent, on or before the — day of —, annually, and on failure thereof, suits may be brought against them in the General Court or Franklin Circuit Court, without giving other notice than is contained in the law.

4th. That the duties imposed on the clerks of the district courts, by the first section of the same act, should be transferred to the respective circuit

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court clerks, and that the statements therein required to be sent to the keeper, shall be sent to the agent.

5th. That it should be the duty of the watchmen to act occasionally as assistant keeper, under the direction of the acting inspector; and, that watchmen might be got in whom reliance could be placed, they ought to have higher wages.

6th. That the time of confinement of a convict ought to be vested with the court, and not with the jury, as heretofore, in order to produce uniformity.

Signed,

WM. TRIGG, P. P.

An act approved December 4, 1805, made the following amendments to the various laws and amendments to the penal laws, and those relating to the institution:

§ 1. Made it the duty of the clerks of the examining courts to transmit to the clerks of the circuit courts, instead of the clerks of the district courts, a statement of all the expenses attending the apprehension, &c., of any prisoner, in the manner and form prescribed by the first section of the act to amend the penal laws, &c. When a prisoner was convicted in any circuit court, it was made the duty of the clerk to transmit to the agent of the penitentiary, by the sheriff who conveys the convict, such statement of the reparation and certificate of expenses, in the manner heretofore required of the clerks of the district courts; and the sheriff was required to lodge with the agent, instead of the keeper, a certificate of the expenses, &c. In case of failure, to be liable to fine, &c., as provided in the former act.

§ 2. Repealed that section of the act of 1802 which required the inspectors to pay to the discharged convict such balance as might be due him at the expiration of his sentence, and ordered the same to be paid into the public treasury.

§ 3. Repealed the section of the same act which placed the agent under the control or direction of the keeper; and made it the duty of the watchmen to act as assistants to the keeper, under the direction of the board of inspectors. It further provided that the board consist of four members and the Governor.

§ 4. Prohibited all persons from conversing with the convicts within the yard, except in the presence of the keeper; and made it the duty of the keeper to prevent the convicts from conversing, associating, or sleeping together, except so far as the nature of their employment required it.

§ 5. Provides that hog-stealing, and the stealing of goods or chattels under the value of four dollars, shall be punished with stripes at the whipping-post, not exceeding thirty-nine, on the bare back, the number to be determined by a jury. Such person also to pay costs, &c., and to remain in county jail until paid, &c.

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§ 6. Any person stealing a hog or hogs over the value of four dollars, on conviction, to undergo a confinement in the penitentiary of not more than four, nor less than two years.

§ 7. Repealed the seventeenth section of the act of 1798, which required the punishment of confinement in the penitentiary for simple larceny.

§ 8. Gave the keeper five per cent. on all the moneys earned by the convicts, in addition to his regular salary.

§ 9. The act to take effect from its passage; but not to affect any cause then pending, nor any crime already committed.

The following is the transcript of record sent to the penitentiary with a prisoner, and shows the manner of certifying to the keeper the costs of prosecution, &c., in each case of conviction:

STATE OF KENTUCKY:

FAYETTE CIRCUIT, *Sct., March term, 1805.*

The Commonwealth, plaintiff, vs. George Fielding, defendant.	}	Upon an indictment for burglary and larceny.
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Be it remembered, that on the 11th day of March, 1805, George Fielding, late of Fayette county, laborer, who stands indicted for burglary and larceny, was brought to the bar in the custody of the sheriff, was thereof arraigned, plead not guilty, and for his trial put himself upon God and his country; and thereupon came a jury, to-wit: Wm. Ellis, &c., &c., who being elected, tried, and sworn the truth of and upon the premises to speak, upon their oath, returned their verdict in these words, to-wit: We, of the jury, find the said George Fielding guilty of the charge in the first count and the indictment alleged against him, and do sentence him to undergo confinement in the jail and penitentiary for the term of three years, according to law. Also, guilty of the second count in the said indictment alleged against him, and sentence him to undergo confinement in the jail and penitentiary of this State for the term of two years, according to law. Whereupon, it is ordered that the prisoner be remanded to jail.

And afterwards, to-wit: on the 15th day of March, 1805, the said George Fielding was again brought to the bar in custody of the jailer; and it being demanded of him if anything he had or knew why the court here to judgment against him of and upon the premises should proceed, he said he had nothing but what he had before urged; and the jury having by their verdict, returned herein on yesterday, found the prisoner guilty of burglary, as in the first count in the indictment against him, as charged, and determined that he undergo confinement in the jail and penitentiary house of this State for and during the term of three years, according to law. It is now considered by the court that the said George Fielding be removed; and the said jury having also found the prisoner guilty of larceny

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in the second count in the said indictment against him, as charged, and determined that he undergo confinement in the jail and penitentiary house for and during the term of two years, according to law. It is now considered by the court that the said George Fielding be removed from hence to Frankfort as soon as practicable; and that he be there placed and kept in confinement in the jail and penitentiary of this State, according to law, for and on account of the first finding of the jury aforesaid, for and during the term of three years, to commence on this day; that he still be continued in confinement for the term of two years longer, to commence at the expiration of the aforesaid term of three years, for and on account of the second finding of the jury aforesaid, according to law. Whereupon, it is ordered that the prisoner be remanded to jail. And it is further ordered, that the sheriff of Fayette county do remove the said George Fielding accordingly.

The following is a statement of the costs in the trial aforesaid, viz:

Clerk's fees	\$9 66
Sheriff's fees	1 11
Attorney's fees	2 50
Veniremen's allowance	14 93
Witnesses' fees—none claimed.	
Called court, expenses of	10 61
	<u>\$38 81</u>

Attest:

THOS. BODLY, C. F. C. C.

SIR: The prisoner, George Fielding, who is herewith brought to the penitentiary house, has had a fair trial, and has been very justly found guilty of burglary and larceny, for which he is sentenced, as you will see by the clerk's certificate of the verdict of the jury and the sentence. I am satisfied the verdict was a just one; and the sentence was conformable thereto. I can say nothing appeared in his favor on the trial, but everything to the contrary.

I am, sir, with respect, your very humble servant,

March 16, 1805.

SAMUEL McDOWELL.

To the keeper of the jail and penitentiary house at Frankfort.

The removal of the prisoner to the penitentiary was an additional expense to the Commonwealth, and in some cases was about equal the costs of trial, &c. In the case of a convict sent from Scott county, in June, 1807, the following items were charged:

To the sheriff, summoning 23 men as guard	\$4 83
To 1 rope, to confine prisoner on taking him to penitentiary	25
To a distance of 17 miles, at 12½ cents per mile	2 12½
To 23 guards, for traveling 17 miles, at 3 cents, going and returning	23 46
	<u>\$30 66½</u>

WM. SHORTBRIDGE, D. S.,
For JOHN H. MILLER, S. S. C.

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January 6, 1806.—Governor Greenup appointed the following inspectors, to serve one year: John Logan, William Trigg, Isaac E. Gano, and Achilles Sneed, gentlemen.

The acting inspector, Mr. Gano, reported that on the 12th December, ult., Mr. Hunter had resigned as keeper, and that Samuel Taylor, of Mercer county, had been appointed in his stead. He also reported that three escapes had occurred since last meeting. According to his judgment, the institution was in a fair way to become profitable; a conclusion often subsequently expressed, but up to the time never realized. An order was made for the keeper and acting inspector to draw on the treasury for three hundred dollars; and a suggestion that at least fifteen hundred more ought to be expended in nail rods, &c., at once, in order to keep the inmates profitably employed. Mr. John Glover was appointed assistant keeper and turnkey.

At the next meeting, held in February, Nicholas Lafon was commissioned an inspector. It was ordered that the acting inspector publish in the Palladium monthly reports of the business of the institution. The keeper's account for victualing the convicts, amounting to \$41 60, for one month, was presented and allowed. It was ordered that the charges against each convict for expenses should be changed from one third, and, for the future, the expenses be equally divided against them for keeping up shop tools, &c. The price of nails manufactured in the institution was fixed at twenty-five cents per pound.

A called meeting was had at the close of the month, to fix the punishment to be inflicted upon one of the escaped convicts who had been retaken. It was ordered that he receive ten lashes on the bare back for two days, and be confined in the solitary cell two hours ten days in succession.

During the spring and summer, various meetings were held, and due record of the proceedings made; but there was little of interest done at these meetings. The acting inspector reported favorably at each meeting as to the condition of the institution. The board presented Major Kenney with a hat worth \$10, for his aid in erecting the nail machinery. Mr. Bryant had succeeded in getting a good lot of iron from Pittsburg, which cost, at Frankfort, \$235 per tun, for nail rods. The price of nails, for the future, was to be regulated by the price at Lexington.

In July, a fire occurred in the prison—the result of carelessness, or design, on the part of three of the inmates. They were ordered to be punished with twenty-five lashes. Nothing further of interest has been recorded as occurring this year. The number of prisoners received during this and the previous years will be found in the table at the close of this decade.

The following act was passed and approved on the 27th of December, 1806, and is the authority for the rules adopted by the keeper, which follow:

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§ 1. *Be it enacted, &c.*, That the residue of the inspectors of the penitentiary (except the Governor) be, and they are hereby, discontinued; and the Governor shall hereafter be the inspector, and shall hold all the powers which by law were exercisable by the inspectors jointly or severally; and the duties of said trust may be performed by himself, or such fit person as he shall appoint for that purpose, whenever he shall find personal attention inconvenient; and hereafter the jail and penitentiary house may, in courts of justice and elsewhere, be styled "the Penitentiary House;" but it shall not be in error to call it as heretofore.

§ 2. The keeper was authorized to employ any number of watchmen authorized by law, (4,) whenever he thought it necessary, to be allowed for their services a compensation by the keeper, to be approved by the Governor.

§ 3. Made it the duty of the keeper to administer such medicines to the convicts as he deemed proper; and when the skill of a physician was deemed necessary, he was to employ one. At the end of the year, the keeper was to render to the Governor an account of the cost of the medicines, physicians' bills, &c.; upon being satisfied of their reasonableness, he was to certify the same to the agent, who was to pay out of the funds of the institution.

§ 4. Authorized the keeper, from time to time, to make such rules and regulations, with the approbation of the inspector, for the government of the convicts in the yard, as he shall deem necessary, for the violations of which he might punish them with confinement in the solitary cells, or by stripes, at his discretion: *Provided*, That the number of stripes was not to exceed ten for the same offense, and the confinement not more than forty-eight hours at any one time for the same offense.

§ 5. Subjected the keeper and agent to removal by impeachment, or the address of two thirds of both branches of the Legislature, and not otherwise.

§ 6. The keeper was given the power to discharge any of the watchmen, the watchman, however, to be entitled to compensation up to the time of his discharge; and the keeper was allowed ten per cent., instead of five, on the labor of the convicts, and his regular salary.

§ 7. The agent of the penitentiary was to receive \$400 per year for his services, to be paid quarterly out of any money arising from the sale of articles manufactured in the prison or the labor of the convicts; and if there was a deficiency arising from the labor of the convicts, such deficiency was to be certified and approved by the inspector, and allowed by the Auditor, and his warrant issued for the amount of such deficiency.

§ 8. Prohibited the taking of replevin or fortheoming bonds to those against whom judgment had been obtained for contracts made with the agent of the penitentiary. In such cases, the clerk or justice issuing such judgments, were required to indorse on them, "no security to be taken."

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§ 9. Authorized the agent to appoint sub-agents in other places in the State, to sell the manufactured articles of the institution, on such commissions as he might deem advisable; and the agent was entitled to credit for all such articles until disposed of and collections made. The agent was required to have his books ready for settlement by the meeting of the Legislature each year, and was to produce the same for the inspection of a joint committee of the Legislature whenever called upon. He was authorized to furnish twelve stand of arms, ammunition, &c., for the use of the house, and to be entitled to a credit for the same.

§ 10. This act to take effect from its passage.

January 1, 1807.—At a meeting of the board, held this day, the following additional rules were proposed by the keeper and approved by His Excellency, Governor Greenup:

1st. Every prisoner guilty of profane swearing, shall, for the first offense, be confined in the solitary cells, the ensuing Sunday, six hours; and, for the second offense, if within four weeks from the date of the first, shall receive three lashes on his bare back, well laid on; but if within four months from the date of the first offense, and not within four weeks, as aforesaid, he or they, in that case, shall be confined in the solitary cells the ensuing Sunday, from sun-rise to sun-set, on bread and water.

2d. Every prisoner guilty of commencing a quarrel with another, upon being informed against to the keeper, shall suffer such punishment as shall be awarded by an impartial jury, to be appointed by the keeper: (!) *Provided*, Punishment shall not exceed four lashes, or ten hours confinement in the solitary cells.

3d. Every prisoner guilty of striking another, and being informed against when a blow or blows has not been returned, shall receive, on his bare back, such number of lashes as shall satisfy the injured person: *Provided*, The same shall not exceed twenty, nor be given in such numbers on the same day as to violate the statute law.

4th. When any one or more prisoners shall strike another or others, and blows shall be returned by the person or persons struck, without first using his or their true endeavors to avoid the same, with intention of bringing the aggressor or aggressors to merited punishment for the same, the parties shall be considered equally guilty, and shall severally receive, on their bare backs, ten lashes, well laid on.

5th. Every prisoner guilty of stealing from another, or from any other person within the yard of the penitentiary, any articles of property, provided the same be worth as much as one ten-penny nail, shall receive, on his bare back, three lashes, and undergo a confinement in the solitary cells from sun-rise to sun-set, on bread and water, for the first offense; and, for the second offense of the same kind, his punishment shall be doubled, and so on throughout the whole time of his confinement in the penitentiary.

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6th. Every prisoner guilty of making preparation for his own or any other prisoner's escape, by any means whatever, shall receive, on his bare back, ten lashes, well laid on; but if, through such means, he or they should progress so far as to get out of his or their room or rooms before detection, and be caught in the yard endeavoring to escape, he or they so offending shall receive thirty lashes on his or their bare backs, well laid on, ten per day, for three days successively; but if such prisoner or prisoners should be detected on the yard wall making their escape, by either going through or over the same, and it shall be necessary for the detention of such prisoner to shoot, kill, and destroy him or them, the same shall be lawful for the keeper or watchman so to do; and if any watchman shall suffer an escape in such a case, rather than take the life, he or they having it in his or their power so to do at the time, shall be deemed a traitor and coward, and shall be immediately discarded.

7th. Every prisoner guilty of offering a bribe, either directly or indirectly, to any person to favor his escape from the penitentiary, shall be deemed guilty of an offense within the sixth article of this rule.

8th. Every person who shall be guilty of slighting his work, or, through idleness or imprudence, neglect a known duty, or disobey lawful orders on any subject, shall be liable to such punishment as the keeper, at his discretion, shall order: *Provided*, The same shall be modified by the statute law.

9th. Every prisoner who shall neglect his duty in any way upon any one coming into the yard, or shall commence a conversation with any such visitant without previous permission of the keeper, and without being first spoken to by such visitant, shall be guilty of an offense within the meaning of the eighth article of these rules. All rules and regulations heretofore established for the government of the jail and penitentiary house as come within the purveyance of these rules now established, shall be void.

10th. Every person guilty of buying or selling any articles within the walls of the penitentiary, either of clothing that he has brought with him, or any thing that belongs to the Commonwealth, without previous permission from the keeper, shall receive any number of lashes, at the discretion of said keeper: *Provided*, That the same does not violate the statute law.

SAMUEL TAYLOR.

Examined and approved by the Governor:

CHRISTOPHER GREENUP.

Under the provisions of the above recited act and rules of the prison, the institution was conducted for the year with but few incidents worthy of record.

In the month of March, an attempt was made to burn the institution, by some of the inmates. Upon investigation, the crime was fixed upon two convicts, viz: Jeremiah Myers and John Hare, and they were ordered to be fettered and confined until the next circuit court, to be tried for arson according to the statute upon the subject. Hopper, who was concerned in

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the same, was sentenced to receive ten lashes a day for ten days, which was carried into effect.

In June, the keeper presented his account for victualing twenty-two convicts for one month, amounting to \$59 20.

In July, the Governor, as acting inspector, ordered the keeper to place a chain and block to the feet of one of the convicts, for open attempts at escape, and other violations of the rules of the institution, to be continued until further orders. This seems to have been the first case in which the ball and chain was ever used in the prison.

Nothing of interest transpired during the remainder of the year worthy of note, and the affairs of the institution seem to have progressed favorably during the year. The average expense of feeding the prisoners per month, during the year, according to the keeper's accounts, as they were presented to the Governor, amounted to about \$75, which was about \$37 per annum per convict.

March 3, 1808.—The following order was made by the Governor:

I do hereby approve and consent that the agent of the penitentiary may deliver to Adam Caldwell any quantity of manufactured articles from the said penitentiary, not exceeding one thousand dollars, to sell on commission, taking receipt for the same as the law directs.

CHRISTOPHER GREENUP.

July 11.—The following order was directed by the Governor, as acting inspector, viz:

WHEREAS, It appears that Andrew Cothal, a convict, has made an attempt to break the walls of the penitentiary, &c., and made several speeches declaring his intention to escape, &c., I, as acting inspector, do order that the keeper do order that the said prisoner receive, on his bare back, five lashes, well laid on, and the same be repeated at proper intervals, not to exceed ten times, at the discretion of the said keeper; and also to put an iron around one of his legs, fastening the same to a portable piece of wood, which he is to wear until further ordered.

Signed,

CHRISTOPHER GREENUP.

Attest: JOHN GLOVER.

The following advertisement, copied from the "Argus of Western America," of the 13th of December, 1808, shows how the manufactured articles of the institution were disposed of:

The agent of the penitentiary has on hand a large quantity of articles of the following kind, to-wit: Nails, log-chains, drawing-chains, plow-irons, axes, hoes, tinware, cooperware, shoes, boots, and a variety of other articles, all of which he offers at the most reduced prices for cash, or the following kinds of produce, to-wit: whisky, brandy, cider, lacure, cider-oil, pork, bacon hams, and hog's lard, to be delivered in Frankfort by the 15th day of January next.

JOHN GLOVER.

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The following tables exhibit the financial condition of the institution for the years 1806-7-8, as per agent's reports:
The Commonwealth in account with the Agent of the Penitentiary:

1806.		1806.	
		CREDIT.	
1806.	Nov. 1.	By amount credit of penitentiary, as per ledger	\$5,159 38 3
	"	By sundries on hand, as per inventory	2,559 74 6
	"	By articles sent to Harrodsburg	187 12 6
	"	By articles sent to Shelbyville	317 58 5
	"	By articles sent to Georgetown	330 25 0
	"	By amount due the penitentiary	337 95 5
	"	By amount of cash on hand	26 86 9
	"	By amount paid watchmen, and due by late agent.	59 92 4
	"	By balance in favor of the Commonwealth	1,091 18 0
	"	By amount of tools and other work done in the yard, for which no credit has yet been given	153 21 6
		By price of one cutting machine	12 00 0
			<u>\$10,975 22 8</u>
		ACHILLES SNEED, Agent.	
		E. E.	

A statement of the Accounts of the Penitentiary, from November 1, 1806, to January 1, 1807.

1807.		1807.	
		CREDIT.	
1807.	Jan. 1.	By amount of balance of the penitentiary, as per ledger	\$15,086 40 4
	"	By amount of manufactured articles on hand	2,899 77 7
	"	By sundry articles sent to sell on commission	2,517 00 0
	"	By amount of debts due the penitentiary	1,928 62 3
	"	By amount of charges	100 99 3
	"	By cash on hand	97 62 0
	"	By balance in favor of the convicts	850 23 2
	"	By amount of raw materials	3,498 50 0
			<u>\$36,979 14 9</u>
		CREDIT.	
1807.	Jan. 1.	By amount of balance of the penitentiary, as per ledger	\$17,719 11 0
	"	To amount of balance in favor of the penitentiary, November 1, 1806	1,183 22 8
	"	To amount of cash drawn from the treasury for boarding convicts	843 00 0
	"	To amount of debts due by the penitentiary, and not included in above debit	400 86 2
	"	To keeper ten per cent. on \$2,965 86 6, amount of labor sold	296 58 0
	"	To amount money drawn from treasury, in part appropriated to penitentiary	3,182 21 7
	"	To amount due Thos. Gibson & Brothers	3,090 00 0
	"	To balance in favor penitentiary	405 79 1
			<u>\$36,969 79 5</u>
		DEBIT.	
1807.	Jan. 1.	To amount of debts of the penitentiary, as per ledger	\$17,719 11 0
	"	To amount of balance in favor of the penitentiary, November 1, 1806	1,183 22 8
	"	To amount of cash drawn from the treasury for boarding convicts	843 00 0
	"	To amount of debts due by the penitentiary, and not included in above debit	400 86 2
	"	To keeper ten per cent. on \$2,965 86 6, amount of labor sold	296 58 0
	"	To amount money drawn from treasury, in part appropriated to penitentiary	3,182 21 7
	"	To amount due Thos. Gibson & Brothers	3,090 00 0
	"	To balance in favor penitentiary	405 79 1
			<u>\$36,969 79 5</u>
		DEBIT.	

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1809.—An act of the Legislature, approved 11th February, 1809, provided that the agent of the penitentiary might contract with any supercargo or shipper to take on freight any and all of the articles manufactured by the convicts of stone materials, to any point on the Ohio or Mississippi, to be sold for the best prices, &c. The agent was to take receipts for the same, make an entry of the value of each article, the freight on the same, and charge the Commonwealth only with the same. He was to take sufficient bond from the supercargo for the faithful discharge of his duty, who was to dispose of the articles and make return to the agent in six months of the sale of the same, only retaining the freight for himself. The agent was required to pay the net proceeds of such sales into the public treasury, first delivering to the Auditor of Public Accounts a certified statement of the amount.

No money was to be drawn from the public treasury for purposes contained in this act.

The act further provided that the agent should, in his annual report to the Legislature, state the amount the keeper received on the ten per cent. allowed him on all work done in the penitentiary by the convicts.

It was also provided in this act that, in case the supercargo failed to dispose of the articles intrusted to him for sale, he might appoint an agent, and take his receipt for the unsold articles, which receipt might be transferred from the supercargo to the agent, &c.

We shall see, in the course of this history, the evils resulting from the provisions of this act.

During this year, Governor Charles Scott was the acting inspector, and nothing of interest is recorded as having happened in the institution. The average expense of feeding the convicts, as per keeper's accounts, rendered to the Governor from month to month, was about \$100, which, as heretofore, was drawn from the treasury.

An act, approved 30th January, 1810, provided that the penitentiary house was the place for the discharge of all contracts with that institution; but that debts due the same might be demanded at any other place.

This act also abolished the old system of keeping separate accounts against the convicts, and made it the duty of the agent, who was still clerk of the institution, to open one general account of the expenses and profits of the same. It was made the duty of the agent to place all unsettled accounts due the institution by individuals, on the succeeding first of June, and every first of June thereafter, into the hands of a proper officer for speedy collection, he taking proper receipts for the same. All open accounts attested by the agent, was deemed *prima facie* evidence of the demand in all cases where no plea or legal defense was set up denying the same. He had power, at his discretion, to enforce the payment of debts due the institution at all times, &c. He was authorized, by the same act,

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to export the manufactured articles of the institution to any market in the United States, to be offered for sale under certain restrictions.

The sixth section of this act provided that, from and after the first day of September next, the convicts in the jail and penitentiary house shall be subsisted from the profits of their labor, either by money arising from the sale of articles manufactured by said convicts, or by exchanging those articles for articles of subsistence, as to the keeper may seem most advantageous to the Commonwealth; that from and after the first day of September next, no money shall be drawn from the treasury for subsisting the convicts in the said jail and penitentiary house, any law to the contrary notwithstanding.

AGENT'S REPORT FOR 1809.

↓ *To the honorable Speaker of the Senate:*

SIR: In conformity to law, I make this my report relative to the state of the penitentiary institution.

The labor of the convicts from the 15th of December, 1808, to the 30th of November last, inclusive, after deducting the price of material, expenses of victualing, clothing, agent's and watchmen's pay, fire-wood, candles, &c., amounts to \$4,260 80 8, as will be more fully explained by a reference to a document marked (A,) which exhibits a statement of the accounts, wherein the convicts are debited with the material, &c., which they have received, and credited for the article when manufactured.

The articles sold from the 15th of December, 1808, to the 30th of November last, inclusive, amount to \$12,749 96 5.

Materials consumed in manufacturing these articles, \$6,126 21 1.

Which deducted, leaves the sum upon which the keeper is entitled to ten per cent. The sum received by the keeper is \$662 37 5.

The keeper of the penitentiary has drawn from the treasury, for victualing the convicts, from the 18th of November, 1808, to the 30th of November, 1809, \$1,310 80.

The debits, as they stand on my books, together with the notes payable to the agent, amount to \$23,320 68 8.

The credits amount to \$13,398 28; \$4,000 appropriated by act of the Legislature, added to this sum, makes \$17,398 28 6.

Which deducted, leaves	\$5,932 40 2
The amount of manufactured articles in my possession on the 30th of November last, amounted to	5,335 43 5
Raw materials on hand at same time	2,040 40 0
Cash on hand at same time	221 76 0
	<hr/>
	\$13,529 99 7
There are some accounts against the penitentiary which do not appear on my books, and the precise amount of which I have not been able to ascertain, but will not exceed	500 00 0
	<hr/>
	<u>\$13,029 99 7</u>

1798 to 1815—Samuel Taylor, Keeper.

There is a great quantity of unfinished work, which cannot properly be classed with the materials or the articles, and is not taken into consideration in the foregoing estimate; and hence it is that the debits of some of the convicts amount to more than their credits, and others very nearly equal, as the articles are not yet produced from the materials for which they have been charged. There are also the utensils necessary for carrying on the different branches of business, which are not taken into consideration. The institution is therefore worth, after discharging all claims, together with the \$4,000 appropriated by the Legislature of 1806, upwards of \$13,000.

I have not thought it politic, under existing circumstances, to coerce more of the debts due to the institution than would be sufficient to meet some demands which will shortly become due, and to keep on hand a supply of material.

I am, sir, with considerations of respect, your obedient servant,

MOSES O. BLEDSOE, A. P.

AGENT'S REPORT FOR 1810.

PENITENTIARY AGENT'S OFFICE, }
December 10, 1810. }

Hon. Gabriel Slaughter, Speaker of the Senate:

SIR: Conformable to law, I make this, my report:

The manufactured articles in my possession the first day of December amount to	\$11,849 83
The accounts due the institution amount to	11,872 71
Sundry notes due the institution amount to	3,648 48
Cash on hand	569 17
Raw materials	350 98
	<u>\$28,284 10</u>
Amount of debts due by the penitentiary to individuals	\$3,825 34
Amount due treasury as per appropriation of 1807	4,000 00
Amount of money drawn from treasury this year for victualing convicts	1,060 20
	<u>8,885 54</u>
	<u>\$19,398 56</u>

Which leaves a balance in favor of the institution of \$19,398 56, after paying all demands against it, together with three hundred and thirteen dollars and thirty cents paid to the keeper for victualing the convicts, agreeable to an act of the General Assembly, approved January 30, 1810, entitled "An act to regulate the manner of keeping and collecting accounts, and for other purposes;" also, one thousand six hundred and fifty-three dollars and thirty cents, the amount of the late keeper's per cent. on the amount of labor found to be due him on settlement.

There is a considerable quantity of unfinished work on hand, which I have not taken into view in the foregoing estimate. The stone work in the hands of agents at Natchez and Orleans, I have had no account of since I came into office. With sentiments of the highest respect,

I am yours, &c.,

JOHN WATKINS.

1798 to 1815—Samuel Taylor, Keeper.

AGENT'S REPORT FOR 1811.

PENITENTIARY AGENT'S OFFICE,
December 9, 1811 }

Hon. John Simpson, Speaker of the House of Representatives :

SIR: This is my report concerning the penitentiary. The labor performed by the convicts from the first of December, 1810, to the first inst., after deducting the price of material, amounts to \$6,354, upon which sum the keeper is entitled to his ten per cent., amounting to six hundred and thirty-five dollars and forty cents.

The debts due to the penitentiary in notes and accounts are.....	\$13,008 21 2
Cash on hand.....	717 99 0
Raw materials	1,526 55 8
Manufactured articles up to first inst.	8,033 45 5
	<hr/>
	\$23,286 21 5
Amount due treasury as per appropriation of 1807.....	\$4,000
Deduct bad debts	500
	<hr/>
	4,500 00 0
	<hr/>
	\$18,786 21 5
	<hr/>

The institution is, therefore, worth, after defraying all demands against it, \$18,786 21 5.

Although I have endeavored to avoid making bad debts, yet they do occur.

The stone-work at New Orleans has been disposed of at vendue, and an account of sales furnished; \$1,781 63 worth sold for \$500, on twelve months' credit, the purchaser giving bond with security. That at Natchez, I have never been able to ascertain its situation. The amount deposited there is small.

I have paid to the keeper, since the first of December, 1811, \$1,153 04, for victualing the convicts.

It appears the work of the institution is less this year than last. It is owing to the loss in the fall of stone, victualing the convicts, and the repairs, &c., done to the penitentiary, together with some debts against the institution that I was not apprised of until long after I made the last report. I imagine the loss will be about \$3,500. A great portion of the articles on hand consist of stone-work. At no time have I had a sufficiency of money to furnish materials enough to carry on the different branches worked at the year round.

In the disposition of articles, I am compelled to give long credits as an inducement to purchase. This, together with the bad success in the collection of debts, accounts for the large quantity of stone-work on hand.

There are thirty-nine convicts in confinement.

Your obedient servant,
JOHN WATKINS, A. P.

1798 to 1815—John Glover, Keeper.

✓ AGENT'S REPORT FOR 1812.

PENITENTIARY AGENT'S OFFICE, }
December 10, 1812. }

The Hon. Joseph H. Hawkins, Speaker House Representatives:

SIR: Conformable to an act of the General Assembly, requiring the agents of the penitentiary to lay before the Legislature, at their annual meeting, the situation of the penitentiary institution, I beg leave to submit the following statement as my report, &c.:

The amount of labor performed by the convicts since the 1st December, 1811, to date, after deducting the amount of raw materials, leaves the amount of \$7,232 81; upon which sum the keeper is entitled to ten per cent., and which ten per cent. amounts to \$723 28.

After deducting all demands against the institution, there are notes, accounts, and receipts for the collection of notes and accounts due the said institution, to the amount of	\$13,366 97 2
Manufactured articles on hand.....	7,472 91 1
Raw materials on hand	875 00 0
Cash on hand	449 50 0
Cash advanced for iron not received.....	518 89 0
Total worth of institution.....	<u>\$22,683 27 3</u>

The agent has paid to the keeper, since the first day of December, 1811, \$1,282 65 for victualing the convicts.

The amount of the sales of the stone at New Orleans has been received by my predecessor, and paid into the treasury, which, after deducting commission, storage, &c., was \$287 89. The amount of stone-work at New Orleans was upwards of \$1,700, the sacrifice of which causes a considerable diminution in the value of the institution. Although there is about \$7,000 in the hands of officers for collection, there has been very little money received, and very few judgments obtained for the last six months. The greater part of the work on hand is in stone; and the reason that such a large quantity of stone-work remains on hand is, that it has been out of the power of the agent to furnish nail iron, which would have been much more profitable to the institution, and could have been readily sold. I have now on the way to this place about twelve tons of nail iron, which I look for hourly; but owing to the bad success of collecting, since I contracted for iron, I shall not be able to meet my engagements for money on its arrival. I have made very rapid sales of stone-work this fall, by extending the credit on it to eighteen months and two years, which I thought better than that it should remain on hand. The stone-work at Natchez I have heard nothing of since I came into office. The amount there is small.

Your most obedient servant,

S. I. M. MAJOR, *Agent Kentucky Penitentiary.*

Various unimportant laws were passed by the Legislature in 1812, '13, and '14, regulating the affairs of the institution; one approved 23d January, 1813, authorized the agent to sell at public auction "all the windsor chairs,

1798 to 1815—John Glover, Keeper.

hoses, nails, and cooper's ware, belonging to said institution, which have been on hand more than two years, in such lots as he may deem most advantageous to the Commonwealth, upon a credit of twelve months, taking a bond with good security, &c."

"That when judgment shall be rendered on any bond taken under the provisions of this act, the officer issuing execution on such judgment shall indorse thereon 'no security to be taken;' and the officer into whose hands such execution shall come shall govern himself accordingly." The agent had the right, with the approbation of the Governor, to discontinue or suspend such sales at his discretion.

Five thousand dollars was loaned the institution for the special purpose of buying iron and nail rods, to be worked in the penitentiary; the Governor to draw an order on the Auditor for such portions of the above amount as he might deem necessary.

The agent and keeper were to give bond in the sum of \$5,000 each, conditioned for the faithful performance of their respective offices, to be renewed annually forever afterwards.

All suits in future to be brought and prosecuted in the name of the agent, &c.

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AGENT'S REPORT FOR 1813.

DECEMBER 8, 1813.

Hon. Joseph H. Hawkins, Speaker of the House of Representatives:

SIR: I beg leave to submit the following statement as my report concerning the penitentiary institution, for the year ending 1st inst.:

The articles manufactured by the convicts since last report to date amount to....	\$20,204 55
From which deduct raw materials	11,034 80
Leaves balance of.....	<u>\$9,169 75</u>

Which is the amount of labor performed by the convicts, and upon which sum the keeper is entitled to 10 per cent., which 10 per cent. amounts to \$916 97 5. I have paid to the keeper for victualing the convicts during the year, \$1,192 60, and am still due him \$184 81.

After deducting \$2,500, part of the money loaned the institution by the Legislature at their last session, and all other claims against the said institution, there are notes and accounts, and receipts for the collection of notes, &c., to the amount of	\$16,170 85
Manufactured articles on hand.....	6,235 68
Raw materials on hand	1,600 00
Total worth of institution.....	<u>\$24,006 48</u>

The institution, after paying all its expenses for the last year, and deducting the amount drawn from the treasury, has increased in its value about \$3,000, notwithstanding the sale of the old articles on hand last year, which were sold under a law of last session at public sale, and which produced a considerable diminution in the value of the institution, as they did not bring more than half the price they were invoiced at.

1798 to 1815—John Glover, Keeper.

I should have been able to have paid the money borrowed from the treasury before the meeting of the present Legislature, if I had met with success in collecting money from the notes and accounts put into the hands of attorneys for collection, long previous to the meeting of the last Legislature; but I have not received from that source more than \$1,000, out of about \$7,000 that was in the hands of officers for collection. Some few of the attorneys have made prompt collections, but for twelve or eighteen months past I have scarcely received anything from others. [The agent here recommends the passage of a law authorizing him to bring suit in the general court.] He adds: I shall be able in the course of this winter, or early in the spring, I think, without doubt, to pay the \$2,500 borrowed from the treasury.

Your obedient servant,

S. I. M. MAJOR, *Agent Kentucky Penitentiary.*

It will be seen, in the further progress of this history, that the collections spoken of by the agent were never fully made, and that the system of thus disposing of the products of the labor of the inmates resulted in a heavy loss to the State.

✓ AGENT'S REPORT FOR 1814

December 8, 1814.

Hon. W. T. Barry, Speaker House Representatives:

Srs: The articles manufactured by the convicts since 1st December, 1813, to date, amount to	\$20,745 65
Deduct raw materials,	8,532 84
Which leaves balance of	<u>\$12,212 81</u>

Which is the amount of labor performed by the convicts, and upon which sum the keeper is entitled to ten per cent., which amounts to \$1,221 18. I have paid to the keeper for victualing the convicts since the first day of December, 1813, \$1,616 40.

After deducting \$2,500, part of the money borrowed from the treasury, and all other claims against the said institution, there are notes, accounts, and receipts for the collection of notes, &c., to the amount of	\$15,952 00
Manufactured articles on hand	4,614 80
Raw materials on hand	7,000 00
Making total worth institution	<u>\$27,566 80</u>

Increase in the value of the institution during the year, about \$3,500.

The agent again complains of great delay and difficulty in making collections; and the institution lost one debt in Hardin county of \$1,500 by informality in bringing and prosecuting suit. He again urges the necessity of bringing all suits in favor of the institution in the General Court, where he could always be present to attend to them.

He has no doubt of being able to pay the \$2,500 due the treasury.

S. I. M. MAJOR, *Agent Kentucky Penitentiary.*

1798 to 1815—John Glover, Keeper.

Table showing the number of Convicts received from each county, from 1800 to 1815.

COUNTIES.	1800.	1801.	1802.	1803.	1804.	1805.	1806.	1807.	1808.	1809.	1810.	1811.	1812.	1813.	1814.	1815.	Total.
Adair							1			2							3
Bourbon			2														2
Barren					1				1			1	1	1			5
Bullitt							1										1
Breckenridge								1	1	1							3
Boone									1				1				2
Butler													1				1
Bath														1			1
Cumberland		1								1		1					3
Christian						1			3			2			1		7
Clarke						1						1	2				4
Caldwell										1		2					3
Casey											1						1
Campbell												1		1	2		4
Clay													1				1
Franklin								1		1							2
Fayette			2		1	3	1		3		2			4	1		17
Floyd						1		1									2
Fleming								1		3		1					5
Garrard					1		2				1	2					6
Greenup						1											1
Green							1		1						1		3
Gallatin													1				1
Henderson								2							1		3
Henry									1								1
Harrison									1								1
Hopkins									3								3
Hardin									1								1
Jessamine										1	1						2
Jefferson														1	1		2
Knox								1	1				1				3
Lincoln				3			2			1		1					7
Logan			1						2	1		2					6
Livingston						1	1	1									3
Lewis													1				1
Madison	1	1	2		1					2	2						9
Mason	1	1	2	2	1								2	1			10
Morgan																	
Muhlenburg							1										1
Mercer		2										2	2				6
Montgomery			1			1											2
Nelson			1				1							2			4
Nicholas							3		1								4
Ohio					1												1
Pulaski												1	1	1			3
Rockcastle												1					1
Shelby					2								1				3
Scott								1	1					1			3
Warren					4	2	2			1	1	1			2		13
Woodford		5									1		1	1			8
Wayne									1				1		1		3
United States convicts ..					1				1								2
	2	10	11	5	13	11	16	9	23	15	9	19	17	14	10		184

1798 to 1815—John Glover, Keeper.

A List of Convicts sent to the Penitentiary from 1800 to 1815, inclusive, the Counties sent from, the crimes for which they were sent, and the duration of sentence.

NAMES.	Crimes.	Counties sent from.	Year.	Term of sentence.
John Turner.....	Horse stealing.....	Madison.....	1800	2 years.
Samuel Moss.....	Petit larceny.....	Mason.....	1800	2 yr. 6 mo.
Peter Winebrenner.....	Manslaughter.....	Woodford.....	1801	5 years.
James Dougherty.....	Horse stealing.....	Woodford.....	1801	2 years.
George Bundy.....	Horse stealing.....	Woodford.....	1801	2 yr. 6 mo.
George Fielding.....	Grand larceny.....	Woodford.....	1801	1 year.
Francis Cox.....	House breaking.....	Woodford.....	1801	5 years.
Robert Robertson.....	Horse stealing.....	Mercer.....	1801	2 years.
Ann M. Walbut.....	Murder.....	Cumberland.....	1801	2 years.
Thomas Jones.....	Murder.....	Cumberland.....	1801	2 years.
Dossey Phelps, (1st female,).....	Murder, 2d degree.....	Madison.....	1801	6 years.
Alex. Taylor.....	Larceny.....	Fayette.....	1802	6 months.
John Bowman.....	Larceny.....	Montgomery.....	1802	1 year.
Is. Bradley.....	Counterfeiting.....	Madison.....	1802	4 years.
William Newman.....	Counterfeiting.....	Madison.....	1802	4 years.
Thomas Wright.....	Horse stealing.....	Mason.....	1802	2 years.
James Leman.....	Horse stealing.....	Logan.....	1802	2 years.
George Armstrong.....	Larceny.....	Mason.....	1802	6 months.
Rachel Miller, (f. w. c.).....	Larceny.....	Fayette.....	1802	1 yr. 5 mo.
Adam Fogle.....	Manslaughter.....	Nelson.....	1802	2 years.
Ralph Weathers.....	Grand larceny.....	Bourbon.....	1802	1 yr. 9 mo.
Jesse Weathers.....	Grand larceny.....	Bourbon.....	1802	6 months.
Joseph Peacock.....	Felony.....	Mason.....	1803	2 years.
John Murphy.....	Felony.....	Lincoln.....	1803	1 year.
Martin Kimberlin.....	Horse stealing.....	Lincoln.....	1803	2 years.
Jas. Warren, alias Gatheran.....	Felony.....	Lincoln.....	1803	1 year.
Robert Wiley.....	Horse stealing.....	Mason.....	1803	4 years.
David Demaree.....	Horse stealing.....	Shelby.....	1804	2 yr. 2 mo.
George Lock.....	Horse stealing.....	Shelby.....	1804	4 years.
David Lawson.....	Horse stealing.....	Garrard.....	1804	2 years.
William Jameson.....	Felony.....	Madison.....	1804	1 year.
Charles Hinson.....	Horse stealing.....	Warren.....	1804	2 years.
Richard Tomlinson.....	Rape.....	Fayette.....	1804	10 years.
Alex. White.....	Horse stealing.....	Mason.....	1804	4 years.
John Crawford.....	Horse stealing.....	Warren.....	1804	2 years.
George Esmond.....	Felony.....	Fayette.....	1804	1 year.
Nat. Sipple.....	Horse stealing.....	Ohio.....	1804	2 years.
John Williams.....	Horse stealing.....	Barren.....	1804	2 years.
William Alcorn.....	Felony.....	U. S. court, 1st pris'r.....	1804	5 years.
J. Crawford.....	Horse stealing.....	Warren.....	1804	2 years.
Aquilla Greer.....	Felony.....	Warren.....	1804	2 years.
George Fielding.....	Burglary and larceny.....	Fayette.....	1805	3 y. 1st, 2d
Mike Dillingham.....	Murder.....	Christian.....	1805	2 years.
J. Crawford, 3d conviction.....	Felony.....	Warren.....	1805	Life.
Essex Capshall.....	Murder.....	Livingston.....	1805	-----
William McClure.....	Felony.....	Greenup.....	1805	1 year.
John Cavee.....	Horse stealing.....	Floyd.....	1805	-----
Jacob Smith.....	Felony.....	Clarke.....	1805	2 years.
Thomas Hopper.....	Horse stealing.....	Montgomery.....	1805	3 years.
William Smith.....	Horse stealing.....	Fayette.....	1805	4 years.
Otho McCusick.....	Horse stealing.....	Fayette.....	1805	6 years.
John Taylor.....	Felony.....	Warren.....	1805	2 years.
D. Link.....	Horse stealing.....	Adair.....	1806	2 years.
J. Murphy.....	Stabbing.....	Fayette.....	1806	1 year.
Samuel Moore.....	Felony.....	Livingston.....	1806	2 years.
William Gatheran.....	Felony.....	Nelson.....	1806	2 years.
C. Muagrove.....	Horse stealing.....	Lincoln.....	1806	2 years.
H. Atkins.....	Felony.....	Green.....	1806	2 yr. 6 mo.

1798 to 1815—John Glover, Keeper.

List—Continued.

NAMES.	Crimes.	Counties sent from.	Year.	Term of sentence.
J. MeVay	Horse stealing	Garrard	1806	2 years.
Elizabeth Brown	Larceny	Lincoln	1806	1 year.
T. Day	Burglary	Bullitt	1806	3 years.
John Whitehead	Horse stealing	Garrard	1806	2 years.
John Humphries	Felony	Muhlenburg	1806	3 years.
John Morrow	Rape	Warren	1806	10 years.
Charles Waddell	Perjury	Warren	1806	2 years.
Jones, alias Myers	Felony	Nicholas	1806	1 yr. 3 mo.
John Hare	Felony	Nicholas	1806	1 year.
T. Hadden	Cow stealing	Nicholas	1806	1 year.
T. Alexander	Larceny	Knox	1807	2 years.
D. Burns	Grand larceny	Breckinridge	1807	1 year.
N. Duly	Manlaughter	Scott	1807	5 years.
T. G. Walters	Horse stealing	Henderson	1807	2 years.
Moses Walker	Hog stealing	Fleming	1807	2 years.
James Himson	Negro stealing	Henderson	1807	6 years.
Rachel Miller	Larceny	Franklin	1807	1 year.
William Trimble	Murder	Livingston	1807	2 years.
Jacob Mayns	Counterfeiting	Floyd	1807	1 year.
Robert Russell	Murder	Fayette	1808	6 years.
Samuel Galbraith	Felony	Henry	1808	1 year.
James Forbes	Horse stealing	Barren	1808	2 years.
John Hare	Felony	Nicholas	1808	2 years.
John Todd	Subornation of perj'y.	Knox	1808	2 years.
Z. Campfield	Murder	Boone	1808	4 years.
P. Murphy	Horse stealing	Fayette	1808	4 years.
Jonathan Pitcher	Felony	Fayette	1808	4 yr. 3 mo.
A. Cothal	Negro stealing	Green	1808	8 years.
A. Atkinson	Murder	Scott	1808	2 years.
Samuel Johnson	Murder	Harrison	1808	3 yr. 6 mo.
P. Haws	Horse stealing	Hopkins	1808	5 years.
Peter Haines	Horse stealing	Hopkins	1808	3 years.
William Willis	Felony	Christian	1808	2 years.
John Morris	Negro stealing	Christian	1808	7 years.
Thomas Hate	Horse stealing	Christian	1808	4 yr. 6 mo.
William Holliday	Stabbing	Wayne	1808	1 year.
John Evans	Horse stealing	Logan	1808	2 years.
H. Wigle	Felony	Logan	1808	3 years.
John Mitchell	Felony	Hardin	1808	2 years.
J. Robertson	Horse stealing	Hopkins	1808	3 years.
E. Riley	Felony	Breckinridge	1808	2 years.
Richard Berry	Mail robbery	U. S. Court	1808	2 years.
George Fielder	Horse stealing	Madison	1809	6 years.
John Baird	Murder	Fleming	1809	6 years.
John R. Turner	Horse stealing	Warren	1809	4 yr. 2 days.
Newberry Mann	Murder	Cumberland	1809	6 years.
Z. Fenton	Felony	Lincoln	1809	2 years.
William Harris	Felony	Madison	1809	3 years.
Charles Yates	Felony	Adair	1809	1 year.
William Yates	Felony	Adair	1809	1 year.
James Reed	Felony	Fleming	1809	2 years.
John Carter	Murder	Fleming	1809	2 years.
T. Glover	Felony	Caldwell	1809	4 years.
Peter Shultz	Larceny	Franklin	1809	1 year.
John Smith	Counterfeiting	Breckinridge	1809	4 years.
Thomas Reynolds	Murder	Jessamine	1809	1 year.
Charles Collins, (f. m. c.)	Horse stealing	Logan	1809	4 years.
James Rice	Murder	Jessamine	1810	3 years.
D. Dougherty	Horse stealing	Madison	1810	4 yr. 6 mo.
Alex. Porter	Felony	Casey	1810	1 year.

1798 to 1815—John Glover, Keeper.

List—Continued.

NAMES.	Crimes.	Counties sent from.	Year.	Term of sentence.
John Beavers.....	Burglary.....	Madison.....	1810	3 years.
John E. Ashford.....	Murder.....	Woodford.....	1810	4 years.
Z. Nowlin.....	Horse stealing.....	Fayette.....	1810	4 years.
Mary McManus.....	Felony.....	Fayette.....	1810	1 year.
James Smith.....	Felony.....	Warren.....	1810	4 years.
Peter Lamb.....	Incendiarism.....	Garrard.....	1810	1 year.
John Cox.....	Murder.....	Rockcastle.....	1811	5 years.
James Johnson.....	Felony.....	Mercer.....	1811	1 year.
Sheldon Moss.....	Stabbing.....	Mercer.....	1811	1 year.
John Graham.....	Cow stealing.....	Garrard.....	1811	1 yr. 6 mo.
William Dixon.....	Felony.....	Clarke.....	1811	4 yr. 6 mo.
Samuel Moss.....	Rape.....	Fleming.....	1811	17 yr. 1 mo.
J. Odd.....	Horse stealing.....	Warren.....	1811	4 yr. 4 days.
William Thurman.....	Larceny.....	Cumberland.....	1811	2 years.
Jerry Tracey.....	Felony.....	Garrard.....	1811	1 year.
John Walters.....	Maiming.....	Barren.....	1811	1 year.
Samuel Bogan.....	Intent to kill.....	Logan.....	1811	4 years.
John Webb.....	Intent to kill.....	Logan.....	1811	1 yr. 1 day.
William Finley.....	Horse stealing.....	Lincoln.....	1811	4 years.
William Johnson.....	Maiming.....	Christian.....	1811	1 yr. 6 mo.
Wyatt Johnson.....	Maiming.....	Christian.....	1811	1 yr. 6 mo.
J. S. Jones.....	Felony.....	Caldwell.....	1811	2 years.
William Taylor.....	Felony.....	Caldwell.....	1811	2 years.
James Burns.....	Horse stealing.....	Campbell.....	1811	1 year.
Ben. Ervine.....	Murder.....	Pulaski.....	1811	2 years.
William Steene.....	Felony.....	Mason.....	1812	2 years.
Alex. White.....	Horse stealing.....	Scott.....	1812	5 years.
Dan. Coit.....	Murder.....	Boone.....	1812	6 years.
O. Lowry.....	Horse stealing.....	Butler.....	1812	4 years.
D. Edmunds.....	Larceny.....	Barren.....	1812	1 year.
William Whitsett.....	Forgery.....	Clarke.....	1812	2 years.
Jesse Burton.....	Felony.....	Clay.....	1812	2 years.
Horatio Sharp.....	Murder.....	Wayne.....	1812	5 years.
William Vanoy.....	Felony.....	Knox.....	1812	2 years.
Philip Jones, (f. m. c.).....	Larceny.....	Mercer.....	1812	2 years.
D. Ferguson.....	Negro stealing.....	Woodford.....	1812	4 yr. 6 mo.
John Albright.....	Larceny.....	Shelby.....	1812	2 years.
John Smith.....	Murder.....	Lewis.....	1812	3 yr. 3 mo.
William Coleman.....	Murder.....	Clarke.....	1812	7 years.
William Piles.....	Felony.....	Gallatin.....	1812	1 year.
Robert Wells.....	Horse stealing.....	Pulaski.....	1812	2 years.
Levi Dunn.....	Robbery.....	Mercer.....	1812	3 years.
L. Boothe.....	Larceny.....	Woodford.....	1813	4 years.
William Mitchell.....	Felony.....	Fayette.....	1813	4 years.
James Porter.....	Felony.....	Fayette.....	1813	4 years.
A. Champion.....	Felony.....	Fayette.....	1813	3 yr. 6 mo.
James Toney.....	Felony.....	Fayette.....	1813	2 years.
Samuel Danley.....	Murder.....	Bath.....	1813	2 yr. 6 mo.
John Dower.....	Felony.....	Nelson.....	1813	2 years.
George Willhelm.....	Rape.....	Barren.....	1813	10 years.
E. Brown.....	Felony.....	Scott.....	1813	4 years.
James Kelley.....	Horse stealing.....	Nelson.....	1813	2 years.
Thomas Pagett.....	Murder.....	Campbell.....	1813	3 years.
H. Lofton.....	Horse stealing.....	Pulaski.....	1813	4 years.
John Lee.....	Burglary.....	Jefferson.....	1813	2 years.
William Hardman.....	Horse stealing.....	Mason.....	1813	4 years.
Dennis Byrns.....	Felony.....	Fayette.....	1814	4 yr. 6 mo.
T. D. Sample.....	Larceny.....	Christian.....	1814	2 years.
B. Coleman.....	Horse stealing.....	Warren.....	1814	7 years.
Thomas Richardson.....	Felony.....	Jefferson.....	1814	4 years.

1798 to 1815—John Glover, Keeper.

List—Continued.

NAMES.	Crimes.	Counties sent from.	Year.	Term of sentence.
Joseph Right	Felony	Campbell	1814	2 years.
Robert Asberry	Felony	Campbell	1814	2 years.
J. Conwell	Horse stealing	Warren	1814	4 years.
John George	Larceny	Wayne	1814	3 years.
Jo. Randolph	Felony	Green	1814	2 years.
Amos White	Burglary	Henderson	1814	3 years.

In this list the social condition of the convicts, previous to admission, is not given, because no statistics of that character were kept in the early history of the institution; nor will we find anything of the kind until introduced by Mr. Theobalds, in 1835. The transcripts of records give, in many cases, the ages and occupations of the convicts; but nothing in regard to education, habits, &c., previous to conviction. It is well known, however, that the convict, in the early day of prison discipline in Kentucky, was a daring, desperate character, and required the most rigid discipline and constant watching to keep him within the walls of the prison, and force a compliance to the rules of the same. Did it come within the scope of this report, some sketches of individual desperadoes could be given highly illustrative of the history of the early days of our State. But few of the prisoners were from the cities, where the great supply is now obtained.

A table showing the Crimes for which the convicts were sentenced for the first fifteen years of the institution.

Horse stealing	55
Larceny, grand and petit	23
Manslaughter	23
House-burning	2
Counterfeiting	3
Felony, (particular crime not mentioned)	46
Rape	4
Perjury	3
Cow stealing	2
Stealing slaves	6
Hog stealing	1
Stabbing, with intent to kill	3
Mail robbing	2
Robbing on the highway	1
Burglary	5

SKETCH OF TAYLOR AND GLOVER.

Samuel Taylor, the second keeper of the penitentiary, was a native of Virginia, and emigrated to Kentucky about the year 1789 or '90. He was a brother of Judge Crede Taylor, a distinguished chancellor of Virginia. He settled on Shawnee run, in Mercer county, where he remained until his removal to Frankfort. He was one of the largest contractors for building the first State-house, and was appointed keeper of the penitentiary in 1806. How long he kept the prison does not appear from the public documents; but I learn from citizens of Frankfort, who were cotemporary with him, that he kept it until about the year 1810, when he resigned and returned to his farm in Mercer county, where he continued to reside until the time of his death, which occurred in 1813 or '14.

1815 to 1825—Anderson Miller, Keeper.

He is said to have been a man of great firmness of character, a decided politician, a warm friend, and equally bitter enemy.

Captain Taylor was succeeded in the keepership of the prison by his son-in-law, John Glover, who held the position until 1815, when Major Anderson Miller was appointed. Mr. Glover was a native of Lincoln county, Kentucky, to which county he returned after leaving Frankfort. He subsequently removed to the State of Missouri, where it is believed he is still living.

He is said by those still living in Frankfort, who knew him well, to have been an exceedingly clever gentleman, kind and courteous, and well fitted for the position of keeper of the prison. This is all the information in relation to these two keepers attainable at this time.

CHAPTER III.

1815 to 1825.

In the preceding chapter we have traced the history of the institution from its organization to the expiration of the year 1814. In the early part of the year 1815 the Legislature passed an act abolishing the office of agent, and giving the entire management of the institution to the keeper. Other important changes were made by the same act, of which proper notice will be taken as our history progresses. In the further tracing of the history we shall be confined to the reports found in the public documents, made to the Legislature from session to session by the keeper, the Auditor, and the various committees appointed to examine the institution, and other matters connected therewith.

Connected with the history of this institution in its infancy will be found the names of some of the best and most gifted men our State has ever produced. They seemed to have been actuated by a full desire to carry out the principles enunciated in the preamble to the law establishing this mode of punishment in our State. That they should have had serious difficulties to encounter, and that they should have committed grievous errors, is not to be wondered at, if we remember the difficulties under which they had to labor. Our State was then but thinly populated, and had none of the facilities possessed at this day for transportation, and for intercommunication with other States and people. There was no other institution of the kind west of the Alleghany mountains, and none nearer than Virginia or Pennsylvania. But little was known generally about the proper mode of management pursued by the managers of similar institutions elsewhere; and yet we shall find that in the early history of our penitentiary system there was a degree of philanthropy and sound philosophy

1815 to 1825—Anderson Miller, Keeper.

not surpassed in the history of any other institution in this or any other country.

No nation or people ever had, at so early a period of their history, so sound and humane a system of penal laws as our State can boast of. Though the sanguinary system of the old countries, and that of the colonial laws of Virginia, were a part of her early system, we do not find that they were carried into effect before the passage of her improved penal system. We shall find in the course of this history many changes, some for good, but too many only calculated for evil.

An act of the Legislature, passed and approved the 7th February, 1815, abolished the office of agent of the penitentiary, but made it the duty of that officer, before surrendering his office, to make out a full invoice of everything belonging to or connected with the institution, and hand the same over to the keeper.

It was made the duty of the keeper to keep a monthly account of the institution, and at the end of every three months report the same to the Auditor of Public Accounts, who was to keep in his books a regular account of the same. The keeper was required, on the first day of December of each year, to take an invoice of the manufactured articles on hand, and make out a schedule of debts due to and from the institution, and to transmit a copy thereof to the Auditor, who was to lay the same before the Legislature at the first week of each annual session. The keeper had the powers conferred on him for making contracts and collecting debts, &c., previously possessed by the agent.

The general court and the circuit court of Franklin county had concurrent jurisdiction in all suits brought on behalf of said institution. Full provision was made for the prompt collection of the debts due the institution.

Three hundred and seventy-five dollars was allowed for the services of a clerk to keep the books of the institution, and for the collection of the debts due the same. The keeper was directed to sell at auction a lot of bar iron on hand not fit for use in the institution.

In future he was to receive his ten per centum after the sale of the manufactured articles, and when the money was collected, instead of receiving the same when they were manufactured.

John Brown, Richard Taylor, and Thomas W. Hawkins were appointed commissioners to settle the accounts of the several agents of the penitentiary.

A supplemental act was passed and approved on the 8th February of the same session, authorizing the keeper to certify the accounts of the institution as had been heretofore by the agent. The same law required the keeper to enter into bonds in the sum of \$20,000 for the faithful performance of his duties. George Madison, Wm. Trigg, and Wm. Hunter were appointed, in addition to the other commissioners, to settle the books of the agents.

1815 to 1826—Anderson Miller, Keeper.

During the year 1814 five convicts made their escape, but were afterwards retaken and brought back to the institution. They took the advantage of a very dark night, escaped through the cells and over the walls. The guards discovered them passing the walls, but owing to the darkness of the night and the falling of a hard rain they made good their escape.

A committee of the Legislature was appointed to examine the institution during the winter of 1814-15, who reported that the outer wall was not of sufficient height, it not being over fifteen feet, three feet of which on the top was of brick, which was so much mouldered and decayed as to be of very little use. The committee advised the building of the wall to the height of twenty feet, dispensing with the brick part, and building the whole of stone, to be finished on top with spikes, nine inches long, driven into timbers built in the top of said wall.

The cells they considered very insecure, but thought the increase in the height of the wall would supersede the necessity of repairing the cells.

A joint committee appointed by the Legislature to examine the accounts of the penitentiary, and ascertain the correctness of the last annual report of the agent, through their chairman, Mr. Falkner, reported to the Senate on the 30th January, 1815:

"That they had visited the penitentiary, taken a view of the convicts and their employment, examined the manner of the operations, the quality of the manufactured articles, the appearance and condition of the convicts.

"The convicts (they said) appear to be well clothed in country linsey, and in good health, with the exception of two; some are employed in the nailery, some at the blacksmith business, some making windsor chairs, and other articles in that branch of business, others at shoemaking, some at the coopering business, and some working in stone. Your committee believe the apportionment of the convicts, in each branch of business above mentioned, to be judicious and proper; and the articles manufactured by them are, in the general, of very excellent quality, and reflect much credit on the management of the keeper. Upon a minute examination of the institution, the arrangements and operations of the convicts, your committee feel well satisfied with the internal management of the institution, which only, by the existing laws, is under the control and direction of the keeper.

"Your committee have also examined the books and accounts of the agent, and received from him a statement of the debts due to and from the institution."

The committee found, after a careful examination of the agent's books, that they would not balance by the sum of \$1,514 04; against which the agent claimed a debt of \$900, which was due by the institution, and omitted in his report made to the Legislature in 1813. "If this omission was made there still remains a deficit; and which, if the accounts have been accurately kept, and the balances truly reported, and no omission

1815 to 1825—Anderson Miller, Keeper.

made in the transactions of the concern, ought to be in the hands of the agent, in money. This apparent deficit was made known to the agent, and time given him for explanation and correction; but none has been afforded satisfactory to the committee, farther than they herein state."

The committee go on to state that they did not go into a minute investigation of all the books and accounts of the institution, to find out to what circumstance the deficit was owing. Such an examination would require more time than they could give to the subject. They add, "from the high opinion they entertain of the honesty and integrity of the agent, they would not wish to be understood as charging him with a misapplication of the funds of the institution, nor with a want of attention to the interest thereof. But they are of opinion that the books and accounts have never been kept with that regularity, attention, and perspecuity, which ought to have been observed, at any rate in all public institutions, and so as to respond to any appropriate inquiry concerning its affairs. This circumstance alone may have given rise to the apparent deficit."

They recommended the appointment of a board of commissioners to settle, in detail, the transactions of all the agents now and heretofore connected with the institution.

After recapitulating the agent's last report, they say that, "from every consideration which your committee have been able to bestow upon the subject, they are well satisfied that the institution, if well managed, in the sales of the articles manufactured, and with proper attention and care to the collection of its debts, and to the procurement of suitable raw materials, considerable profit would result from it to the State."

They advised the dispensing with the office of agent, and the placing the whole management of the institution into the hands of the keeper.

ANNUAL REPORT OF THE KEEPER.

December 8, 1815.

SIR: In conformity with an act of the Assembly, passed February 7, 1815, requiring the keeper of the penitentiary to lay before the Legislature, at their annual meeting, a statement of the situation of the institution, I herewith submit a statement of the institution on the 1st instant:

Amount of articles manufactured in the last year, ending on the 1st of this inst.	\$25,881 13
From which sum deduct for raw materials	15,208 24
Leaves a balance of	<u>\$10,672 89</u>
On which amount I am entitled to ten per cent.	\$1,063 33
Amount of manufactured articles on hand	3,877 78
Amount of debts due the institution	21,912 80
Cash on hand	1,053 69
Amount of raw materials	<u>3,207 49</u>
Total amount	\$30,051 76
From which amount deduct for debts from the institution to individuals, &c.	<u>4,434 62</u>
	<u>\$25,617 14</u>

1815 to 1825—Anderson Miller, Keeper.

You will see the total worth of the institution, in debits, manufactured articles, raw materials, and money, is twenty-five thousand six hundred and seven dollars and fourteen cents.

I have paid into the public treasury in last year \$2,000. I have also paid to the commissioners, for the rebuilding of the State-house, \$1,742 20, in compliance with an appropriation of the last session of the Legislature, authorizing them to draw from the penitentiary the sum of \$4,000.

The victualing of convicts for the last year has amounted to \$1,403 20.

I should have been able to have manufactured a much larger quantity of articles in the last year, but for the unusual degree of sickness among the convicts; during the summer and fall at least one third of them were on the sick list, that is, from the middle of June until the middle of October.

Not one of the convicts, during the summer, escaped a spell of sickness. The charges against the institution have been very large in the last year, in consequence of having had to settle a considerable amount of accounts, that came under that head, that were contracted in the year preceding the last, which, together with the unhealthiness of the convicts, has lessened the profits of the institution to a considerable amount for the last year. There were forty-one convicts in confinement on the 1st inst.

I have the honor, &c.,

ANDERSON MILLER.

The Hon. J. J. Crittenden, Speaker of the House of Representatives.

On the 23d January, 1816, the speaker laid before the House of Representatives a letter from the commissioners appointed under an act of the last General Assembly, relative to the penitentiary institution, as follows:

The undersigned, appointed commissioners under the act approved February 8, 1815, entitled "An act supplemental to the act to regulate the penitentiary, and to settle the accounts of the several agents thereof," beg leave to report: That the examination required by said act was attempted by the undersigned; but after an investigation of the subject, they became convinced that no correct or even tolerable settlement of the accounts can now be made. The want of original entries, vouchers, and papers, and of a system by which the several accounts could be checked or substantiated, has involved the whole in a labyrinth too difficult for the commissioners to unravel, and, at the present day, perhaps impracticable for any other person to adjust. Nor is the law passed at the last session of the Legislature, to regulate the penitentiary, calculated to produce the benefits expected from it. Without intending any reflection upon the integrity of the present keeper, the commissioners would beg leave to suggest that it doth appear to them totally inconsistent with the principle applied to all other public officers to leave him without a check. He is by that law at liberty to report what he pleases, without a voucher of any description being required; and the Auditor is merely directed to register or record what he chooses to report, without power to compel a settlement, or to require

1815 to 1825—Anderson Miller, Keeper.

proof of the correctness of what is submitted to him. In short, upon an examination of the several existing laws relative to the accounts of the penitentiary, they cannot discover any adequate check upon the application of its funds; nor, in their opinion, has the public interest therein any other security than what results from the discretion and honesty of those to whom the management is committed. Believing that this could not have been the intention of the Legislature, and conceiving that it is not only reasonable but proper that public officers, especially those who have the disbursement of large sums of money, should be held to render a satisfactory account of the application thereof, the undersigned beg leave to recommend an early revision of the several acts in force relative to the penitentiary. Also, the passage of an act containing such checks and provisions as shall henceforth secure to the use of the State the profits arising from said institution.

All of which is respectfully submitted.

RICHARD TAYLOR, Jr.,
WILLIAM HUNTER,
GEORGE MADISON,
J. BROWN.

On the 3d February, Mr. F. Johnson, from the joint committee appointed to examine into and report the state of the penitentiary institution, and the books and accounts of the agents thereof, made the following report, viz:

The joint committee from the Senate and House of Representatives, appointed to examine the penitentiary, and the books and accounts thereof, have performed the duties assigned them, and have come to the following report:

Your committee have visited the penitentiary, viewed the convicts, their employment and condition, examined the manner of the operations and the quality of the manufactured articles.

The convicts appear to be well clothed and properly treated, and judiciously employed in the different branches of business carried on.

The arrangement of the convicts to the different branches of mechanical operations, and the excellent quality of the manufactured articles, strongly evidences the attention, skill, and good management of the keeper.

Your committee have also examined the books and accounts of the institution since the 1st December, 1814, till this time; and they will here remark, that since the 10th of February last, the time at which the entire management devolved on the keeper, that the books and accounts have been kept in the best style and most approved method; and they feel satisfied, if the books should hereafter remain to be kept on the same plan, and under the present regulation, that the accounts of the keeper, and every other concerned, can at all times be properly investigated.

Your committee have found that the statements of debts due to and from the institution, furnished the committee at last session by the then agent,

 1815 to 1825—Anderson Miller, Keeper.

were not correct; upon which statement the estimation of the value of the institution was then predicated.

The accounts and notes delivered over to the keeper, in conformity to the act of the last session, as due the institution, amount to	\$25,358 35
The raw materials delivered over amount to	4,784 27
The manufactured articles delivered over amount to	5,314 94
Cash delivered over amounts to	287 35
	<hr/>
	\$35,744 91
Deduct amount of debts then reported to be due from the institution, amounting to	9,340 80
	<hr/>
	\$26,404 11

Since which time debts not then given an account of by the agent have appeared against the institution, per detailed statement accompanying this report, amounting to	\$852 56
In addition thereto receipts have been produced, given by the agent for debts reported to be due, and omission to give credits on accounts also contained in said statement, per detailed accounts, to the amount of	1,422 90
Insolvencies in these accounts	50 25
Deficit in sale of iron, &c., which was estimated in the invoice at \$500, which commanded only \$183	317 00
	<hr/>
	\$2,642 01

Leaving the funds of the institution really worth \$23,762 10 at the time it was turned over from the agent, so far as yet known, except there should be some demands against the institution which have not made their appearance, and which would also tend to lessen the actual value of the institution, as it at that time appeared.

Your committee are not disposed to believe that the agent defrauded the institution out of the defalcations before mentioned, or applied the money to other than the uses of the institution; but would rather believe that the incorrect inventories of debts due to and from the institution, so made out by him, was owing to carelessness, inattention, and the imperfect manner in which the books were kept. They are induced to this opinion from the very general good character and reputation of that agent.

Your committee will here remark, also, that under the regulations of the last session, and the manner in which the books and accounts are now kept, they feel satisfied that no deficit in the accounts can hereafter appear without the surest responsibility.

The funds of the institution, on the 1st December, 1815, per invoice returned to the Auditor, and with which the books of the institution correspond, consisting of debts due the institution to the amount of	\$22,034 36
Of raw materials on hand	3,207 44
Of manufactured articles on hand	3,877 78
Of cash on hand	1,053 69
	<hr/>
	\$30,173 27
Deduct amount debts due from the institution	4,434 62
	<hr/>
Making value of institution on 1st December, 1815	\$25,738 65

The keeper has, within the last year, paid into the treasury \$2,000 of the debt due there, and furnished to the commissioners appointed to superintend the building of the State-house \$1,742 20 of manufactured articles.

1815 to 1825—Anderson Miller, Keeper.

Your committee, upon a full survey of the institution, and a minute investigation of the books and accounts, are of opinion that the duties of the keeper have been faithfully and judiciously discharged.

Your committee would recommend that provision be made by law for erecting a blacksmith's shop of brick in the yard of the penitentiary.

HUMPHREY JONES, }
RICHARD TAYLOR, } *Senate.*

FR. JOHNSON, }
THOS. METCALF, } *House Representatives.*
WM. CALDWELL, }

Following the report is an account of the debts due from the penitentiary, not reported by the late agent, and alluded to in this report. It is unimportant, and therefore omitted.

PENITENTIARY KEEPER'S OFFICE, }
December 8, 1816. }

SIR: In conformity with an act of the Assembly, passed and approved February 7, 1815, requiring the keeper of the penitentiary to lay before the Legislature, at their annual meeting, a statement of the situation of the penitentiary institution, I herewith submit a statement of the same on the 1st instant:

Amount of articles manufactured in the last year, ending 1st instant.....	\$25,881 13
From which deduct for raw materials.....	15,908 24
Leaves a balance of.....	\$10,672 89
On which amount I am entitled to ten per cent.....	\$1,069 33
Amount manufactured articles on hand.....	\$3,877 78
Amount debts due institution.....	21,912 80
Cash on hand	1,053 69
Amount raw materials.....	3,207 49
	\$30,051 76
From which amount deduct for debts due from the institution to individuals.....	4,434 62
	\$25,617 14

You will see that the total worth of the institution, in debts, manufactured articles, raw materials, and money, is \$25,617 14.

I have paid into the public treasury in the last year \$2,000.

I have also paid to the commissioners for rebuilding the State-house, in compliance with an appropriation of the last session of the Legislature, authorizing them to draw from the penitentiary the sum of \$4,000, in articles, \$1,742 20.

The victualing of the convicts the last year amounts to \$1,403 20.

I should have been able to have manufactured a much larger quantity of articles in the last year but for the unusual degree of sickness among the convicts during the summer and fall; at least one third of them were on the sick list from the middle of June to the middle of October. Not one of the convicts, during the summer, escaped a spell of sickness.

1815 to 1825—Anderson Miller, Keeper.

The charges against the institution have been very large in the last year, in consequence of having had to settle a considerable amount of accounts that come under that head that were contracted in the preceding year, which, together with the unhealthiness of the convicts, has lessened the profits of the institution to a considerable amount for the last year.

There were forty-one convicts in confinement on the 1st instant.

I have the honor, &c.,

ANDERSON MILLER, K. K. P.*

Hon. J. J. Crittenden, Speaker House Representatives.

* Major Anderson Miller was born in the county of Culpepper, State of Virginia, about the year 1785. His father, John Miller, emigrated to this State while the subject of this sketch was quite a lad, and settled in the county of Jessamine, not far from the town of Lexington. The condition of the country then did not admit of many advantages in the way of obtaining an education; and hence he, like most of the early settlers of the State, had only the advantages afforded by the country schools of the times to obtain what education he received. This was quite limited; but with such, and a most indomitable spirit, he grew up to manhood with a mind and a will to take an active part in the scenes and trials of that early day. His free and commanding manners, with his readiness to engage in daring enterprises, brought him in close association with the leading men of his times; and his general information and acuteness of perception gave him influence with those with whom he was brought into association. At the age of twenty years he determined to descend the Ohio and Mississippi rivers to New Orleans, then a Spanish possession, (a trip then as hazardous as a voyage now to the North Pole or the interior of Africa,) ostensibly on a trading expedition, but really to gratify that intense love of adventure common to the youth of that day. To make an outfit for this voyage he purchased materials for the manufacture of a large lot of gunpowder, and with only the assistance of a negro man he made enough of this commodity to load a flat-boat, which he transported in wagons from his home in Jessamine county to the falls of the Ohio. There he purchased a boat, hired a crew, and set out on his perilous voyage down the Ohio and Mississippi to New Orleans. The voyage resulted in every way favorable and profitable, and the young adventurer returned by land, through the Indian country, safe to his home in Kentucky, with about eighteen hundred dollars clear profit, a sum of ready money for those days considered quite large. At the age of twenty-three years he married Miss Elizabeth Bell, of Fayette county, Kentucky, daughter of John Bell, Esq., one of the framers of the first constitution of Kentucky.

After his marriage he moved to Lexington, where he remained for a time, and then removed to Frankfort. In 1813 he was appointed by General Desha one of his aids, and accompanied that officer to the frontier, where he encountered the dangers and hardships common to the officers and soldiers in the campaigns of those times. He was at the battle of the Thames, and saw Tecumseh fall. After his return he was appointed keeper of the penitentiary, which position he filled until the close of the year 1816. In 1817 Captain H. M. Shreve visited Frankfort, and made the acquaintance of Major Miller. The question of navigating the Ohio and Mississippi rivers by boats propelled by steam was then a matter of discussion, and found in Major M. an enthusiastic and sanguine advocate. He determined at once to test the practicability of the scheme, and removed to Louisville for the purpose of engaging with Captain Shreve in the enterprise. It was believed by both of them that the trip could be made so much sooner in this way than by any other, that it would ultimately justify any outlay it might require to build and fit out such a vessel. Major M. did not intend to take command of a boat when built; but owing to the difficulty of procuring competent commanders at that time, he was forced to take charge of the *Napoleon*, built by himself and Captain Shreve, one of the first steamboats that navigated the Ohio and Mississippi rivers.

He continued in the command of vessels of this class for many years; and was often heard to say that he believed, when machinery was brought to greater perfection, a voyage from New Orleans to Louisville would be made in eight or ten days. On one occasion during the early days of steamboat navigation, a voyage from New Orleans to Louisville was made in twenty-four days, which was considered so great a triumph that the merchants of Louisville gave the commander of the boat a public dinner. While the parties were enjoying this festival, the booming of a cannon at Portland announced the arrival of another boat from below, which proved to be the *Neptune*, under the command of Major Miller, having made the trip in a day less than that made by the other. Major M. lived to see the same distance traveled in less than six days.

In politics Major M. was a warm friend of Mr. Clay, and advocated with great zeal and eloquence all the leading measures of that great man. They were intimate friends from their youth, and remained so to their last days. A favorite theme with Major M. was the glorious

1815 to 1825—William Starling, Keeper.

On the 9th day of December, 1816, the speaker laid before the House of Representatives a letter from the keeper of the penitentiary house, exhibiting the state of that institution, which was read, as follows, to-wit:

PENITENTIARY KEEPER'S OFFICE, }
December 9, 1816. }

SIR: The keeper of the Kentucky penitentiary being required by law to report the situation of the institution in each session of the Legislature, I herewith submit the following statement:

1816.

Dec. 1.	Amount of debts due the institution.....	\$23,769 87
"	Manufactured articles on hand.....	5,847 00
"	Raw materials on hand.....	2,667 02
"	Cash on hand.....	144 12
Total worth of the institution		\$32,419 61

WM. STARLING, *Keeper.*

On the 13th January, 1817, Mr. Rudd, from the joint committee appointed to examine and report upon the state of the penitentiary house, and the books and accounts thereof, made the following report, to-wit:

The joint committee from the Senate and House of Representatives, appointed to examine the penitentiary, the demands for and against the institution, have examined the same, and come to the following report:

The convicts appear to be well clothed, and properly employed in different branches of mechanical occupations, which evinces the skill, judgment, and good management of the keeper.

Engaged in the nail manufactory.....	18 men.
Blacksmith's business.....	6 men.
Chair making.....	8 men.
Shoemaking.....	9 men.
Stone cutting.....	11 men.
Cooking and washing.....	2 men.
Invalids.....	2 men.
Making in all.....	56 men.

future of this country. He was a Union man in the fullest sense of the word. The very mention of disunion, whether it came from the fanatic of the North or the fire-eater of the South, never failed to excite in him the most terrible indignation, and his language failed to give utterance to the detestations of his heart.

Major M., like many other men of his day, failed to secure a fortune for himself and family, when it could have been so easily obtained. His great liberality made him the benefactor of those around him, and prevented his accumulating a large estate, when it could have been so easily done. Fortunes passed through his hands repeatedly; but he preferred the gratifying of a generous heart to the sordid accumulation of that which too often entails misery on those for whom it is accumulated. The last public office held by Major M. was that of United States Marshal of the State of Mississippi, which appointment he received from John Tyler, after the death of President Harrison. This office he held for several years, residing with his family in Vicksburg.

The last few years of his life he was actively engaged in establishing claims to lands in Texas; and it was while on a trip to that State, in 1850, that he was seized with an attack of disease of the brain, which terminated his long and active career.

"Far, far away from his native land
The stern death-spirit found him,
Where his cheeks by foreign gales were fanned,
And strange cold faces around him."

Noble-hearted, brave old man! Though he found a grave among strangers, his memory is enshrined in the hearts of many surviving friends in his native State.

 1815 to 1825—William Starling, Keeper.

Your committee have also examined the notes, books, accounts, and accounts receipted for and put in the hands of different persons for collection, above five years' standing, and find them to be as follows:

Notes	\$226 17
Book accounts.....	1,346 74
Accounts receipted for	2,130 28
	<hr/>
	\$ 3,703 19

The committee have found several receipts, given for demands due the institution, put into the hands of different persons for collection, of which they are entirely unable to form an opinion whether they have been discharged or not, but presume they are still due, although not calculated hereafter in the aggregate demands of the institution; and would recommend that the keeper, in whose correctness and judgment the committee have the utmost confidence, should make an adjustment of the same as soon as possible, and when he shall be unable to settle those demands to his satisfaction, that he be directed to commence suit on all those receipts, and also endeavor to collect all demands which have been of long standing by suit, if he cannot otherwise effect it.

From the loose and imperfect manner in which the books have been kept for some years after the establishment of the institution, and by the late agent, it becomes impossible for the committee to make a correct report as to what is really due. The most accurate which they can give appears as follows:

Debts due the institution.....	\$23,760 87
Debts above one year's standing.....	8,151 71
Institution indebted	2,994 23
Amount manufactured articles on hand.....	5,847 60
Amount raw materials on hand	2,667 02
Cash on hand.....	147 10
Work done since 13th July, 1816, to 1st December last	10,346 64
Price raw materials so manufactured	5,268 44
Ten per cent. allowed to keeper, after deducting price of raw materials.....	507 80

Your committee would state, as to the condition of the buildings, that there are but seventeen cells to appropriate for the lodgings of the convicts, which seem to be rather insecure. In consequence of the scarcity of cells, and number of convicts, the keeper is obliged to lodge them in rooms appropriated for their different avocations, which renders the escape of the convicts not very difficult, and if attempted, unless very strictly watched, almost certain. The rooms appropriated to carry on some of the branches of their professions are too small for the number of hands employed therein, which prevents their doing business expeditiously. The kitchen and eating room are very small for the present number of convicts, and would seem to need enlarging. The buildings are very much out of repair, and will require considerable sums of money to reclaim them; the roof of the whole house needs covering; the bottom of a number of the props and sills of the portico are very much decayed; and in

 1815 to 1825—William Starling, Keeper.

places entirely rotten, false props are resorted to, to support the upper floor of the portico. The top of the wall is considerably fallen down, and appears to be going fast to destruction.

The establishment appears to this committee not to be large enough for the present number of convicts to be judiciously employed. If the walls were extended, it would be a convenience to the keeper, and an advantage to the State; the necessary shops could then be placed within the inclosure, which would effectually secure any arrangements in the convicts by day to make their escape at night. Upon due consideration, the committee are of opinion that it would in the end be less expensive and much better to build a new establishment, of a proper size, than to repair and extend the boundary of the old one; the present place seems to be badly selected, the grounds being low, wet, unhealthy, and not calculated to carry off the filth. The committee would remark, that they conceive the penitentiary system is not calculated to benefit the State, or reform the offenders; instead of having their morals corrected by the hard lessons of severity, they have communication with each other, which is impossible for the keeper to prevent, and learn every species of vice, immorality, and wickedness. The institution appears rather calculated to harden than reform the convicts. If a preacher was employed, and paid out of the proceeds of the institution, to preach and give moral lectures to the convicts, it might have a tendency to reform them; but unless a reformation could be effected in this way, there is no hope left, through any other channel, by which they can be reformed. The convicts, from a knowledge of an entire loss of character, unless they can be reclaimed, become, from their habits of associating in the penitentiary, more vicious and incorrigible than ever. The committee conceive it to be almost indispensably necessary to appoint an agent. The business of the keeper is sufficient for the employment of both.

JNO. FALKNER,	}	<i>Senate.</i>
J. PERRIN,		
D. THOMPSON,		
R. RUDD,	}	<i>House Representatives.</i>
J. J. MARSHALL,		
SAM'L SHEPHERD,		
D. GIVEN,		
S. McCOUN,		
B. EGLESTON,		

Experience having shown that the affairs of the institution could not be as well conducted without the assistance of an agent as it was while that office existed, the Legislature, in accordance with the recommendation of the joint committee of the previous session, passed and approved an act on the 4th February, 1818, recreating that office, under the following regulations. He was to be appointed by the Governor, by and with the advice and consent of the Senate; to receive \$400 and 2½ per cent. upon

1815 to 1825—William Starling, Keeper.

all the money paid by him into the public treasury. He was required to give bond, with approved security, in sum of \$20,000, well and truly to discharge the duties of his office, to be so renewed annually. It was made his duty to account to the Auditor weekly, on every Saturday, and pay into the treasury all moneys received on account of said penitentiary, &c.

On the appointment and proper qualification of the agent, it was made the duty of the keeper to make out a complete inventory of all the manufactured articles then on hand, fixing prices thereto; all the debts due the institution, specifying those due by note, bond, and accounts; the receipts of debts in the hands of officers for collection; and every thing in anywise appertaining to the institution; one copy of which was to be given to the agent, and another to the Auditor of Public Accounts. It was made the duty of the keeper to make out a complete inventory of all the raw materials then on hand, and another inventory of all the debts due by the institution, specifying how and when due, and to whom; which inventories were to be entered on his books, and copies were to be given to the Auditor. Upon receiving the aforesaid inventories, the Auditor was to open a new account for the penitentiary, charging it with the two first mentioned inventories, and crediting the same with the inventory of the debts due by the institution. To this account it was made the duty to charge all moneys drawn from the treasury, for compensation to the officers of the penitentiary, by the keeper, on the order of the Governor, or otherwise on account of the penitentiary, and credit the same with all moneys paid into the treasury by the institution. The agent was empowered to collect all debts due the institution, and full provision made as to the mode of making such collections.

The agent was required to keep his office within the institution. He was to call on the keeper every Saturday evening, and receive all the articles manufactured during the week. The keeper was, on the delivery of the articles to the agent, to fix the price on the same; at which price they were to be sold, unless otherwise ordered by the keeper.

It was made the duty of the agent to close all accounts due the institution every six months, and bring suit immediately upon the same, if unpaid at the end of seven months. In case of a failure on his part to comply with this section of the law, he became responsible for all losses. Various other provisions were made in this section to enable the agent to prosecute suits for the collection of the debts due the institution.

The remainder of the law relates to the duties of the agent, and too lengthy and unimportant to copy at full length.

The Governor was made sole inspector of the institution, and was authorized to give the keeper an order on the Auditor for a warrant on the treasury for such sum or sums as might be necessary for paying the debts then due by the institution, and for the purchase of raw materials, clothing, &c., as may be essential for the use of the same.

The keeper was to discharge all the debts of the institution, purchase all raw materials, hire and pay guards, assistant keepers, &c., all of which claims and accounts were first to be approved by the Governor. These accounts were to be furnished by the keeper to the Auditor every three months in his reports. The keeper was to receive, instead of ten per cent., only five per cent. on all the manufactured articles actually sold, to be paid quarterly out of the public treasury. He was allowed \$375 per annum, to enable him to employ an assistant keeper, in lieu of the sum heretofore allowed for a clerk.

The remainder of this act defines the duties of the keeper and Auditor in relation to the manner of keeping the accounts of the institution, which will fully appear in the reports which follow.

Governor Madison, in his annual message to the Legislature, speaks as follows in relation to the institution:

"The pecuniary affairs of the penitentiary are, I understand, in a prosperous state; but the report of the Auditor, which will shortly be laid before you, will give a satisfactory view of its concerns. There is on hand a considerable quantity of raw materials and manufactured articles. Owing to the tardiness of sales, the keeper has been obliged to advance money for the purchase of materials; for refunding which immediate provision ought to be made. The present agent, with my advice, has removed the articles manufactured to the neighboring towns to be vended—a measure which promises a speedy reimbursement for moneys advanced, and much advantage to the public. The condition of the building demands your particular and immediate attention. It is believed to be insecure, and to require repair and enlargement. I submit to your serious consideration whether it is just or expedient to sentence offenders to additional confinement who are tempted by the state of the building and negligence of the guards, to make their escape. Would it not be better to secure more vigilance on the part of the guards by subjecting them to some punishment or penalty for neglect of duty? This institution, which originated in a spirit of philanthropy and a liberal and enlightened humanity, ought not to be abandoned or neglected; it has too long received the approbation of not only the wise and benevolent of our own State, but of most of our sister States, and must be viewed with a partial and benignant eye wherever the life of rational immortal man is duly estimated. I trust, therefore, that the Legislature will repair, improve, and extend the building, and revise the regulations and management of the institution, so far as respects the reformation of offenders—one of the leading objects of the system. Some provision ought to be made for furnishing them with Bibles and books of morality, and for giving them religious and moral instruction. I would also advise that such of those unfortunate victims of folly and vice who learn good trades, and conduct themselves well, should be entitled, upon their discharge, to a small compensation out of the profits

 1815 to 1825—William Starling, Keeper.

of the institution, to purchase tools, and enable them to commence business. Such a provision will probably induce both industry and amendment. But little good is done if the offenders go forth into the world unredeemed in any degree from the depravity for which they were cut off from the social state."

An act approved January 5, 1818, authorized the Auditor to adjust the account with the keeper, Mr. Starling, and draw a warrant on the treasurer for any balance found to be due him.

First annual report of the Auditor under the provisions of the act of the 4th February, 1818.

A STATEMENT OF THE SITUATION OF THE PENITENTIARY.

On the first of October, 1817, the institution was worth in raw materials	\$11,530 76
Manufactured articles	15,105 72
Debts	25,112 66
Total	\$51,749 14
The institution owes the State for loans	\$9,911 13
William Starling, keeper, for moneys advanced by him out of his private funds for the purchase of raw materials	11,757 08
Individuals	17 18
	\$21,685 39
The balance is the nominal worth of the institution on the first of October last....	\$30,066 75

Of the debts due to the institution, is included a sum of near \$4,000, for articles furnished the commissioners superintending the building of the State-house; besides that sum, the agent estimates the debts which will be lost by insolvencies at \$6,000, and the debts due from solvent individuals at \$15,000, for the collection of which many suits have been instituted and are now pending in the different courts. The amount of moneys which will be received for debts collected and articles sold, in the ensuing year, depends upon so many contingencies, that no certain calculations can be made. I should, however, suppose that \$20,000 of the present effects in the hands of the agent ought to be converted into money. From the 11th February to the 1st October, 1817, the articles manufactured and placed in the hands of the agent,

Amounted to	\$22,540 78
The raw materials consumed in that time were	13,333 21
Leaving for the gross profits of the articles manufactured in a space less than eight months	9,207 57

The expenses of the institution during that period were—

For clothing convicts	\$120 76
For dieting convicts	1,570 79
For fuel	614 31
For guards	540 67
Amount carried forward	\$2,846 53

1815 to 1825—William Starling, Keeper.

Amount brought forward	\$2,846 53
For contingent expenses	808 62
The annual salary and commission of the keeper and agent, and the pay of an assistant keeper	1,622 00
	<hr/>
	\$5,277 15
Leaving for the net profits on the articles manufactured a sum of	<hr/>
	\$3,930 42

The keeper represents the articles manufactured to be of good quality, and prices affixed ten per cent. lower than heretofore had been done; that the quantity of articles manufactured had fallen short of his expectations from the following causes: That he did not, until about the 1st of April, get a full supply of materials; that about that period, twelve of the best mechanics escaped, and foreseeing, from the unfavorable prospect of sales and collections, that the raw materials would be consumed before he would be in funds to purchase more, he lessened the labor of the convicts, to prevent entire idleness, or their employment at labor which would be unproductive.

He also states that the credit of the institution is good; but has been sustained at considerable individual expense and inconvenience; and asks of the Legislature to direct the payment of the debt due to him from the treasury.

If, in closing this detail of facts, I may be permitted to express an opinion, it is that the keeper has been zealous, judicious, and active in promoting the interests of the institution.

J. MADISON, *Auditor.*

Mr. Barry, from the joint committee appointed to examine and report the state of the penitentiary, also the books and accounts thereof, made the following report, to-wit:

The joint committee appointed to examine the condition of the Kentucky penitentiary having performed the duty assigned to them, respectfully report:

That on the 11th February, 1817, when, according to the provisions of the law passed at the last session of the General Assembly, an inventory was made of the actual situation of the affairs of the institution, there were on hand—

Raw materials to the amount of	\$1,470 75
Manufactured articles to the amount of	4,934 53
Debts due to the institution	22,922 73
	<hr/>
	\$29,328 01
Debts due from the institution	3,242 89
	<hr/>
Nominal worth of the institution	\$26,085 12

1815 to 1825—William Starling, Keeper.

From the 11th of February to the 1st of October the keeper manufactured.....	\$22,540 78
Raw materials consumed.....	13,333 21
Gross profits.....	\$9,207 57
From which deduct for clothing.....	\$120 76
Dieting.....	1,570 79
Fuel.....	614 31
Guards.....	540 67
Contingent expenses.....	808 62
Agent and keeper's compensation.....	1,622 00
	5,277 15
Net profits.....	\$3,930 42

The keeper in his report states this sum to be \$408 more; part of the contingent expenses not consumed.

The keeper has expended, from the 11th February to the 1st October, for raw materials.....	\$23,393 22
Expenses of the institution.....	3,655 15
Debts paid.....	3,228 71
	\$30,277 08
He has received from the treasury during that period.....	\$18,520 00
Advanced by him.....	11,757 08
	\$30,277 08

SALES FROM THE 11TH FEBRUARY TO 1ST OCTOBER.

For cash.....	\$3,075 21
On credit.....	9,294 38
	\$12,369 59
Debts due to individuals on the 11th February.....	\$3,245 89
Debts paid by the keeper.....	3,228 71
Unpaid.....	\$17 18

LOANS BY THE GOVERNMENT.

Drawn from the treasury by the keeper, on the orders of the acting Governor....	\$18,520 00
Commission to agent and keeper.....	1,622 00
	\$20,142 00
Paid by him into the treasury.....	10,230 87
Due to the State.....	\$9,911 13
The agent has been charged with manufactured articles received on the 11th February.....	\$4,934 53
The agent has received from 11th February to 1st of October.....	22,446 24
Advance price on articles retailed.....	94 54
	\$27,475 31
Debts received by the agent on the 11th February.....	22,922 73
Costs received on suits.....	91 31
Interest received.....	12 52
	\$50,501 87
He is credited by cash paid into the treasury, from the 11th February to the 1st of October, for debts collected.....	\$7,051 83
Sales.....	3,075 21
Amount carried forward.....	\$10,127 04

1815 to 1825—William Starling, Keeper.

Amount brought forward	\$10,127 04
Costs on suits.....	\$91 31
Interest.....	12 02
	<hr/>
	\$10,230 37
Costs paid.....	52 62
Manufactured articles on hand 1st October	15,105 72
Debts due to the penitentiary 1st October.....	25,112 66
	<hr/>
	\$50,501 87
	<hr/>
Raw materials on hand 1st October	\$11,530 76

From the preceding statement, it appears that the worth of the institution on the 11th February was about \$26,000; and the net profits from that time until the 1st October, a period of less than eight months, were about \$4,000. The value on the 1st October may therefore be estimated at about \$30,000; a result which corresponds with the difference between the sums drawn from the treasury for that institution, during that period, and the amount of raw materials and manufactured articles on hand, and the debts due upon the 1st of October, 1817.

It seems, however, that \$21,668 21 more have been drawn from the treasury than paid into it by that institution during that period, though its nominal worth on the 11th February was \$26,000, and the net profits were \$4,000. While, therefore, it holds out the idea of being a profitable establishment, it is constantly diminishing the public revenue. This unfavorable result, in the opinion of the committee, is to be ascribed chiefly to the tardiness which attends the sale of the manufactured articles, and the collection of the debts created by those sales. It would appear that three fourths of the amount of sales from the 11th February to the 1st of October have been upon credit, and that the amount of articles manufactured during that period has been nearly double the amount of sales. The net expense of the establishment (exclusive of raw materials) has been nearly double the amount of sales for cash. These circumstances conclusively show that the institution, under its present organization and management, in relation to its fiscal concerns, is a burthen to the State.

As to the employment of the convicts, there are engaged—

In the cut nail factory.....	12
Wrought nail factory.....	7
Blacksmith's department.....	4
Shoe department.....	7
Chair department	5
Stone-cutting department	6
Cooking and washing department.....	2
Unfit for duty, in consequence of breast complaints.....	3
	<hr/>
Total	46
	<hr/>
Cells occupied by convicts	15

Upon an inspection of the buildings connected with the institution, the committee find that they are not sufficiently spacious, either as it regards apartments or the limits contained within the walls. The latter are

1815 to 1825—William Starling, Keeper.

only 190 feet long and 18 feet high; and from their height, as well as from decay, are insecure. The cells are confined in their limits, and in their construction unsafe. They contain, upon an average, three convicts, though some of them are occupied by four; while even in the winter season they should not be occupied by more than two, whether regard be had to the health of the convicts or the facilities afforded for escaping where many are confined in the same room.

The present establishment has been erected upon a low and wet situation—in some seasons the water is two feet deep on the north, east, and south sides of the walls; and by reference to the annexed draft, marked (A,) it will appear that from the shape of the ground attached to the institution it will be inconvenient, if not impracticable, to extend either the walls or the buildings. Under existing circumstances, the committee believe that the buildings and walls may for a few years answer the purposes for which they were erected; during which time they would recommend that, from the surplus manufactured articles, and occasional supplies from the treasury, arrangements be made for the location of the penitentiary upon the bank of the river, either in north or south Frankfort; and for that purpose that the executive be authorized to purchase lots cheaper and more extensive, and cause to be erected upon them, with convenient dispatch, buildings calculated to meet the design of the institution half a century hence. The propriety of such a location is enforced by the consideration that fuel is an important article of consumption in the institution; and wood or coal may be delivered more easily, and with less expense, immediately upon the bank of the river. Besides, the workshops would then be more contiguous to the raw materials of many of the articles manufactured in them. Whenever another building could be prepared to receive the convicts, the present establishment, containing about eight acres, would readily command (for sundry manufacturing purposes) \$20,000; which would go far towards reimbursing the State for any moneys advanced in erecting the new building.

This institution was founded on views of the most enlightened humanity, and of the most enlarged philanthropy. It seems, therefore, to this committee, a matter no less of regret than of surprise, that there should be found upon the code of our laws an act sentencing those who escape and are retaken to additional confinement. This law is cruel and unjust in its operation, unless the cells and walls are made more secure, or the number and pay of the guards are increased. The present pay of a guard is \$240 per annum, and as boarding cannot be procured at less than \$150, it is found extremely difficult to engage respectable men in this business. The number also should be increased, as they are now compelled to be on duty four hours at a time. An extension of the passage to the back yard might, however, in some measure, remedy this difficulty.

1815 to 1825—William Starling, Keeper.

A reference to the report of the state of the institution at the last session of the General Assembly will show that the nominal worth of it was about \$29,000; the net profits of the establishment, according to the report made at this session, were about \$4,000; and yet the nominal worth, on the 1st of October last, is estimated at \$30,000; and as the total worth arises from the amount of the net profits annually, it would seem to be proper that the present value should be \$33,000. This difference is explained by the keeper in consequence of the following disbursements, to-wit: For the building of a brick shop for the nail factory, the expenses charged to the penitentiary for repairs by the blacksmiths and shoemakers, and the reduced price at which sundry manufactured articles were sold.

All which is respectfully submitted.

W. T. BARRY,	} Committee on the part of the Senate.
IA. SIMBALL,	
HUMPHREY JONES,	
C. S. TODD,	} Committee on the part of the House of Representatives.
J. B. THOMPSON,	
DAVID WHITE, Jr.,	

Had the Legislature approved the recommendation of the committee in regard to the removal of the institution, a location might have been secured much better adapted to the purpose, and a large saving to the funds of the State made. Why the institution was ever located where it is has always been, and still remains, an unexplained mystery. It would have been difficult, at that day, to have selected a more unsuitable location; and even now, after so much has been expended in improvements, it is yet wholly unsuited in many respects.

The Lieut. Governor, G. Slaughter, in his annual message to the Legislature in 1818, says:

"With regard to the pecuniary affairs of the penitentiary, I have nothing to communicate. You will be informed on that subject by the report of the Auditor of Public Accounts, which will, I presume, be laid before you at an early period of your present session. It will be recollected that this business is by law particularly assigned to that officer. I again most earnestly solicit your attention to the state of the building; it is not sufficient to accommodate half the number confined, and is now in a state of rapid decay. I entreat you generally, or by a large committee, to examine it, and the situation of the unfortunate victims of folly and vice there confined. The humane and philanthropic spirit of our country gave birth to the institution, and it will not, I hope, be abandoned. If this system of punishment and reformation is to be continued, both justice and humanity demand the attention and immediate interference of the Legislature. The penitentiary house must be repaired and considerably enlarged. It is certainly the duty and policy of the government to extend to those unfortunate and suffering beings all the comfort and accommodation which their health requires and is consistent with their condition and the end of their

1815 to 1825—William Starling, Keeper.

confinement. The thanks of the government are due to the Kentucky Auxiliary Bible Society, and the Lexington Independent Bible Society, for Bibles gratuitously furnished the penitentiary since the last session. Before I take leave of this subject, I must remind you, that neither the keeper nor agent is authorized by law to furnish those discharged with even a small pittance to defray their expenses until they can engage in some honest employment; nor are they entitled to ordinary clothing to disguise the evidences of their past offenses. It seems to me inconsistent with the design and spirit of the institution to cast them off naked and penniless, with their marks of infamy exposed to public view."

The defect in the law has been remedied in a measure, as will appear in the progress of this report; but is to this day inadequate to the absolute necessity of the condition of many of the discharged inmates of this institution. They are now furnished with decent clothes and five dollars in money on their liberation; but there is no discrimination between those who have conformed faithfully to the rules of the institution, the laws of the land confining them therein, and who have shown indications of improvement and a desire to do better in the future and after their release. It is to be hoped that a law will yet pass requiring the payment of an additional sum of money to all those whose conduct during their confinement has met the approbation of the keeper, and such other officers of the institution as may have had an opportunity of witnessing their good conduct. Such a provision is made in the laws of some of the States, and is calculated to encourage subordination in a large majority of the inmates of our penitentiary.

Second annual report of the Auditor—A statement of the situation of the Penitentiary.

MANUFACTURES.

From the 1st day of October, 1817, to the 30th day of September, 1818, the receipts of the agent to the keeper, for articles manufactured in that period, amount to...	\$30,065 40	
The agent is charged, in the same period, for the advance price of articles retailed	175 22	
Total	\$30,240 62	
The agent is credited for the prices of articles reduced by order of the keeper, the sum of	\$697 00	
The keeper consumed, in the several manufactories, raw materials to the amount of	19,979 95	
		20,676 95
Gross profits on the articles manufactured		\$9,563 67
The expenses of the institution in the same period are—		
For fuel	\$1,718 96	
Clothing	233 39	
Diet	2,277 53	
Guards	960 00	
Contingencies	904 58	
	\$6,094 46	
Amounts carried forward	\$6,094 46	\$9,563 67

1815 to 1825—William Starling, Keeper.

Amounts brought forward.....	\$6,094 46	\$5,563 67
The agent and keeper's salaries and commission, and the pay of an assistant keeper	2,992 98	
		<u>\$8,006 74</u>
Net profits		<u>\$476 93</u>

THE KEEPER.

There was due to him on the 1st of October, 1817.....	\$11,757 08
He has from that period to the 30th day of September, 1818, paid for expenses, as enumerated in the manufacturing account.....	6,094 46
For debts due to individuals	17 18
For raw materials, including \$10,000 paid for rolled iron, at \$235 per ton.....	15,002 54
Total.....	<u>\$32,871 26</u>
In the same period he received warrants on the Treasurer, for these objects, to the amount of.....	22,757 08
Due to him on the 30th September, 1818.....	<u>\$10,114 18</u>

LOANS.

October 1, 1817, was due to government for loans.....	\$9,911 13
Received by the keeper, as above stated.....	22,757 08
Received by the keeper and agent, in part of their compensation.....	2,106 70
Total.....	<u>\$34,774 91</u>
Paid by the agent to the Treasurer, in the year ending the 30th September, 1818:	

For costs	\$99 67
Interest.....	29 80
Debts	12,838 90
Sales	4,456 19
	<u>17,424 56</u>
Due to government on the 1st of October, 1818.....	<u>\$17,350 35</u>

RAW MATERIALS.

October 1, 1817, on hand	\$11,530 76
Purchased in the year ending the 30th September, 1818.....	15,002 54
	<u>\$26,533 30</u>
Consumed in the same period.....	19,979 95
October 1, 1818, on hand	<u>\$6,553 35</u>
Consisting of shoe leather to the amount of.....	\$92 00
Paints, oil, and timber, for chairs, to the amount of.....	367 10
Stones for tombs, slabs, &c.....	413 00
18 tons of rolled iron, estimated at (including the expenses of transportation) \$250 per ton.....	4,500 00
4,304 pounds of nail-rod, steel, iron, and various other articles, to the amount of...	1,181 25
	<u>\$6,553 35</u>

SALES.

On a credit	\$19,359 83
For cash.....	4,456 19
Total.....	<u>\$23,816 02</u>

1815 to 1825—William Starling, Keeper.

THE AGENT.

October 1, 1817, in his hands manufactured articles.....	\$15,105 72
Debts	25,112 66
From the above period to the 30th September, 1818, he has been charged with—	
Manufactured articles received by the keeper.....	30,065 40
Interest received.....	29 80
Costs received.....	99 67
Advance prices on articles retailed.....	175 22
Total.....	\$70,588 47
He is credited by—	
Prices on articles reduced.....	\$697 00
Costs paid	79 90
Errors in the keeper's list of debts due	136 49
Moneys paid to the Treasurer, as mentioned in the loans account....	17,424 56
	18,337 95
Due.....	\$52,250 52

Of which \$31,410 20 are debts, and \$20,840 32 are manufactured articles. On the list of debts is a charge of \$4,017 for articles furnished government, and debts noted insolvent to the amount of \$1,956. Upwards of \$16,000 of the manufactured articles consists of nails, mostly cut, at 15, 16, 17, and 18 cents per pound.

The general account of the institution will be—

CREDITS.

By debts due	\$31,410 20
Manufactured articles	20,840 32
Raw materials	6,553 35
	\$58,803 87

DEBITS.

Due for loans	\$17,350 35
Due the keeper.....	10,114 18
Due the keeper and agent for compensation.....	885 58
	28,350 11

Nominal worth on the 1st day of October, 1818.....	\$30,453 76
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AUDITOR'S OFFICE, December 11, 1818.

The foregoing statements (Nos. 1 to 7) are submitted to the Senate.

J. MADISON, Auditor.

Mr. Todd, from the joint committee appointed to examine the penitentiary house, and the books and accounts of the agent thereof, made the following report, to-wit:

The committee appointed by the General Assembly of Kentucky to inquire into the condition, and report the state of the accounts of the penitentiary of this Commonwealth, beg leave to report: That in the discharge of that duty, the chairman of the committee addressed to the agent of that institution the following letter:

"The committee appointed by the General Assembly of the Commonwealth of Kentucky to inquire into the condition and report the state of the accounts of the penitentiary, request the agent for the same to furnish the committee with a statement of the result of the general accounts of said institution, noting the result of each year from its commencement to

 1815 to 1825—William Starling, Keeper.

the close of the last year's account; noting therein the average number of convicts in each year; the expense of keeping them; the quantity or value of raw materials of each year; the amount of money drawn from the treasury in each year; the general result of credit and debit to the State in each year; the amount of costs for buildings, &c., of the establishment.

"January 26th, 1819.

J. BLEDSOE, *Chairman.*"

And received from him, in answer thereto, the following:

"PENITENTIARY AGENT'S OFFICE, }
 "January 28, 1819. }

"DEAR SIR: On looking over the books of this institution, from 1802 to the beginning of 1817, for the purpose of complying with the requisitions of your note of the 26th inst., I find it impracticable to do so, owing to the manner of keeping accounts in the books of the penitentiary between those periods. There has been no regular account kept between the State and the institution; nor is there any account showing a general and annual result of the transactions of the institution, nor file nor record of the reports made yearly to the Legislature by agents or keepers, previous to 1817. It is, therefore, out of my power to furnish you any statement farther back than February, 1817, being the time which the agent under the late law came into office. A statement of the transactions under the control of the agent from that time is inclosed. The Auditor informed me he should furnish the committee with the account of the first cost of the buildings, &c., of this establishment; there is no record of it in this office. The number of convicts received and discharged; the expense of keeping them; the probable value of raw materials each year; the amount of the money drawn from the treasury each year; and the general results of debits and credits to the State each year, are subjects which the books here furnish no annual estimate of, and of which the agent for the last two years can know nothing officially. They properly belong to the keeper; I have, therefore, shown him your note, that he may make report to the committee concerning them.

"J. B. WOOLDRIDGE, A. P.

"*Jesse Bledsoe, Esq., Chairman of the committee for the Kentucky Penitentiary.*"

The committee proceeded to examine the books and accounts of the agent, and find the same to correspond with his account rendered to the Auditor. The accounts appear to be fair and correct, and are kept in a manner which does credit to the capacity and integrity of the agent. His report is hereto annexed, and is as follows:

1815 to 1825—William Starling, Keeper.

A statement of accounts, &c., delivered the agent by the keeper of the Kentucky Penitentiary the 11th of February, 1817; of the amount of manufactures, costs, and interest since received; of the amount of cash paid in the treasury, costs paid on suits, errors discovered in keeper's accounts, and price of nails reduced, from the above date to 30th September, 1818.

Accounts received of keeper.....	\$23,049 38	
Manufactures received from keeper	4,934 53	
		\$27,983 91
Manufactures received weekly of keeper, from 12th February, 1817, to 30th September	\$22,645 21	
Interest received during same time.....	12 50	
Costs received during same time.....	91 31	
		22,749 02
Cash paid in treasury from 12th February, 1817, to 30th September, inclusive.....	\$10,557 25	
Costs paid on suits during same time	92 67	
Errors in keeper's accounts	126 65	
Price of nails reduced.....	199 72	
	\$10,976 29	
Manufactures received of keeper, from 1st October, 1817, to 30th September, 1818, inclusive.....	\$30,060 75	
Interest received during the same time	22 72	
Costs received during same time	59 37	
Received for retailing profits	375 00	
		30,517 84
Cash paid in treasury from 1st October, 1817, to 30th September, 1818, inclusive	\$17,107 56	
Costs paid on suits during same time.....	39 85	
Errors in keeper's accounts	176 24	
Price of nails reduced	697 00	
	18,020 75	
	\$28,997 04	\$81,250 77
		28,997 04
		\$52,253 73

On the 30th September last the agent's account stood thus :

Bonds and accounts	\$30,541 71
Manufactures on hand.....	21,712 81
	\$52,254 52

On the 30th September, 1817, thus :

Debts, &c.	\$24,673 95
Manufactures.....	13,397 92
	\$38,071 87

Amount of sales for the year ending 30th September, 1817, commencing from 12th February, 1817	\$12,181 67
Amount of sales from 1st October, 1817, to 30th September, 1818.....	23,225 10
January 28, 1819.	J. B. WOOLDRIDGE, A. P.

From which it appears that the amount of sales of articles there manufactured, for the year commencing the 12th of February and ending 30th September, 1817, was	\$12,181 67
And the amount of sales, from the last mentioned time to the 1st October, 1818, was	23,225 10
That the cash paid by same into the treasury, during the period last mentioned, was	10,557 25
And during the latter period the cash paid into the same was.....	17,107 56
During the former period the amount of manufactured articles received by the agent from the keeper was	22,645 25

1815 to 1825—William Starling, Keeper.

And during the latter period the amount of manufactured articles received by same of same was..... 30,060 75

The first period was during the agency of the late incumbent, the latter during that of the present. It thus appears that the money paid into the treasury during the last mentioned period more nearly approaches the amount drawn out; and that there has been an increase of manufactured articles, and of sales of the same, more than corresponding with the increase of the number of convicts. The number of convicts during the former period being forty-six, and during the latter fifty-seven.

The expenses of the institution during the former period amounted to.....	\$3,755 15
During the latter to	5,999 46
Raw materials consumed during the first.....	13,333 21
Raw materials consumed during the latter	19,979 95
Cash drawn from the treasury in 1817	20,142 00
Cash drawn from the treasury in 1818	22,757 08

On the 1st day of October, 1818, the general accounts of the institution stood thus:

CREDITS.	
By debts due it	\$31,410 20
By manufactured articles on hand.....	20,840 32
By raw materials on hand.....	6,553 35
Making in all	\$58,803 87

DEBITS.	
To bonus from the State.....	\$17,350 35
To advances by keeper	10,114 18
For agent's and keeper's compensation due.....	825 58
	\$28,350 11

Nominal worth of the institution on the same day.....	\$30,453 76
---	-------------

The gross profits of the institution on the same day were.....	\$9,563 67
From which deduct for expenses of the institution on same day	9,026 74

Leaves for net profit	\$476 93
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By a reference to the report of last year, it will appear that the nominal worth of the institution on the 1st day of October, 1817, was estimated at about \$33,000; and for 1816 at \$29,000. Here it appears that the nominal worth of the institution for the last year, ending 1st October, 1818, is \$30,453 76; making an amount less than that of the preceding year, according to the report of the committee, of \$2,546 24, when the number of convicts was forty-six; and making only about \$1,000 more than the year 1816, when the number of convicts was still less.

Of the fifty-seven now confined in that institution, there are engaged—

In the cut nail factory.....	14
In the wrought nail factory.....	4
In the shoe factory.....	12
In the chair factory	8
In the blacksmith's department.....	4
In the washing and cooking department.....	2
Unfit for duty	7

 1815 to 1825—William Starling, Keeper.

With regard to the buildings and condition of the institution, the committee are compelled to assent to the report of the committee of last year on this subject, in the whole of which respecting the site and state of the buildings, and the necessity of a change, they concur, and beg leave to refer to the same as fully expressive of the opinion of this committee. This committee cannot forbear the expression of an opinion that this institution, originating in the most benevolent and just motives, and upon principles which seem to accord with correct ideas of the use of punishment, is likely to become more burthensome to the State than it ought; and that it is certainly susceptible of more profitable management. The labor of the convicts is incessant, and of a kind promising profit; and it is scarcely to be conceived that the same number of hands not in their situation as to confinement, with the advantage of so large a loan as a capital for purchasing raw materials, properly employed, should yield so small a profit. The confinement, coarse clothing, and fare of the convicts, cannot well be supposed to lessen the profits of their labors. Something is therefore evidently defective in the organization or management of the institution. The results speak stronger than any argument.

The committee therefore recommend the adoption of the following resolutions:

Resolved, That a law ought to pass authorizing the appointment of three commissioners with powers to select and contract for the purchase of a site, and prepare a plan for a suitable building, immediately upon the bank of the Kentucky river, for a penitentiary house; and also to contract for the sale of the present establishment, possession of which to be given as soon as the new buildings may be completed, and report the same to the next Legislature, subject to their approbation.

Resolved, That the keeper and agent of the penitentiary ought in future to be elected annually by a joint vote of both branches of the General Assembly.

J. BLEDSOE,	}	<i>From the Senate.</i>
JOHN FAULKNER,		
C. S. TODD,	}	<i>From the House of Representatives.</i>
ROBT. BARRETT,		
GEO. B. KNIGHT,		
JOS. THOMAS,		
T. DOLLERHIDE,		
N. S. DALLAM.		

The Governor, in his annual message to the Legislature, 1819, says: "The jail and penitentiary demands your special attention. It is in a dilapidated state, unfit for its purposes, and hastening to ruin. It must be repaired and enlarged, or an entire new one erected, if the humane principles in which it originated are intended to be cherished, and it is ardently hoped they are. To reclaim and reform our frail and misled fellow-mortals from the inveteracy of vicious habits, must surely be more

1815 to 1825—William Starling, Keeper.

grateful to the benevolent and christian spirit of our countrymen, and is certainly more in accordance with the true objects of all punishment and with the sound principles of civil policy as professed by enlightened republics, than to exterminate them, after the sanguinary manner of the odious governments of the old world. This interesting subject will no doubt experience from the Legislature the attention which its importance demands, and which in all its aspects it is so well calculated to conciliate.

Third annual report of the Auditor—A statement of the situation of the Penitentiary.

MANUFACTURED.

From the 1st day of October, 1818, to the 30th day of September, 1819, the agent's receipts to the keeper, to-wit:

For cut nails, at the following prices, viz: 4d at 18 cents per pound; 6d at 17 cents; 8d at 16 cents; 10d at 15 cents; amount- ing in all to.....	\$20,232 50
For wrought nails.....	778 96
For shoes.....	4,431 52
For chairs.....	2,208 72
For blacksmith's work.....	1,675 92
For stone work.....	2,374 93
Total amount of the agent's receipts.....	\$31,701 85
The keeper consumed in the manufacture of the above mentioned articles raw materials to the amount of.....	17,822 91
Gross profits on the articles manufactured.....	\$13,872 94

The expenses of the institution in the same period are—

For fuel.....	\$1,793 60
For clothing.....	209 94
For diet.....	2,624 94
For guards.....	960 00
For contingencies.....	1,915 39
	\$7,507 17
The agent and keeper's salaries and commissions, and the pay of assistant keeper.....	3,391 70
	10,898 87
Net profits.....	\$2,974 07

THE KEEPER.

There was due to him on the 1st day of October, 1818.....	\$10,114 18
He has expended from that period to the 30th day of September, 1819, as enumer- ated in the manufacturing account.....	7,507 17
In the same period he has paid for raw materials.....	2,292 87
Total.....	\$25,914 22
He has received from the treasury in the same period for these objects.....	21,914 00
Due to the keeper.....	\$4,000 22

LOANS.

There was due to the government for loans, on the 1st day of October, 1818.....	\$17,350 35
From the 1st day of October, 1818, to the 30th day of September, 1819, warrants were drawn on the treasurer for the purchase of materials to the amount, as above stated, of.....	21,914 00
Amount carried forward.....	\$39,264 35

1815 to 1825—William Starling, Keeper.

Amount brought forward	\$39,264 35
Also for the payment in part of the compensation due to the agent and keeper....	2,318 74

Total.....	\$41,583 09
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Paid by the agent to the treasurer, in the year ending on the 30th September, 1819—

For debts	\$14,695 70
For sales	5,322 67
For costs	156 24
For interest	55 39
	<u>20,230 00</u>

October 1st, 1819, due to the State.....	\$21,353 09
--	-------------

RAW MATERIALS.

October 1st, 1818, on hand.....	\$6,553 35
October 1st, 1819, purchased in the year ending on this day to the amount of.....	17,292 87

Of which the keeper paid \$8,292 87, and gave his note for \$9,000 00.....	\$23,846 22
October 1st, 1819, consumed in the manufactories.....	17,828 91

On hand.....	\$6,017 31
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SALES.

Sold in the year ending on the 30th day of September, 1819—

On credit	\$24,866 33
For cash.....	5,322 67
	<u>\$30,189 00</u>

THE AGENT.

October 1st, 1818, there was in the hands of the agent debts and manufactured articles to the amount of.....	\$52,250 52
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From that period to the 1st day of October, 1819, he has been charged with manufactured articles.....	31,701 85
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With interest received.....	145 41
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With costs received.....	184 16
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	<u>\$84,281 94</u>
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In the same period he was credited—

By costs paid.....	\$490 30
By errors in debts contracted previous to 1815.....	160 87
By money paid the treasury.....	20,230 00
	<u>20,881 17</u>

Due.....	\$63,400 77
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Consisting of debts due to the amount of \$41,077 60, and manufactured articles to the amount of \$22,323 17. Of the debts, \$5,194 39 are charged to the State, and \$35,883 00 to individuals. Suits were pending on the 1st day of October last for the collection of upwards of \$12,000 of the debts due from individuals. The general account of the institution will, on the first day of October, 1819, be—

CREDITS.

By effects in the hands of the agent.....	\$63,400 67
Raw materials on hand.....	6,017 31

	<u>69,417 98</u>
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Amount carried forward	\$69,417 98
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1815 to 1835—William Starling, Keeper.

Amount brought forward		\$99,417 98
DEBITS.		
Loans due to the State.....	\$21,353 08	
Loans due to the keeper.....	4,000 22	
Due for a debt contracted by the keeper.....	9,000 00	
Due to the keeper and agent for compensation.....	1,958 54	
		36,311 85
		<u>\$33,106 13</u>

AUDITOR'S OFFICE, December, 11, 1819.

The foregoing statements are respectfully submitted to the Senate.

J. MADISON, Auditor.

Mr. White, from the joint committee appointed to examine and report the state of the penitentiary, made the following report, to-wit:

The joint committee, appointed for that purpose, have, according to order, had under consideration the state of the penitentiary institution, and beg leave to submit the following report, to-wit:

Your committee have made full and fair investigation of all the subject-matter referred to them in relation that institution, and find that the different departments thereof have been conducted as well and managed with as much care and policy to the interests of the State as heretofore.

The books of the agent and keeper have been kept in good order, clean, plain, and distinct, and the papers filed in bundles and neatly labeled; and an accurate observance of the current account between the agent and keeper will show a substantial correspondence between them.

Exhibit marked (A) will give an accurate detail of the debits and credits of the institution with the agent, from the 1st day of October, 1818, down to the 1st day of January, 1820; to which is annexed the sum total of doubtful debts that have accrued in the last twelve years.

Your committee have also had under consideration the buildings and inclosures of the penitentiary, and, upon inspection and strict inquiry, they find the walls, and a great part of the wood work, decayed and rotted, and the whole works in a state of dilapidation. On this subject a letter was addressed, by the keeper, to the chairman of the committee appointed by the House of Representatives, during the present session, which is found substantially correct in its statements, and now again referred to, and made part of this report—marked (D.) The number of convicts and the different employments, together with the number and size of the cells, are therein specified.

It is the opinion of the officers of the penitentiary institution, with which the opinion of your committee corresponds, that a new institution ought to be erected on a more eligible site; which could be done with very little expense to the State, by appropriating a part of the manufactured articles on hand, and employing the convicts in that work, the greater part of which they are competent to perform.

1815 to 1825—William Starling, Keeper.

Your committee, therefore, beg leave to submit the following resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a law ought to pass, providing for the erection of a new jail and penitentiary house, upon a more substantial and enlarged scale, and in some more eligible site in, or near, the town of Frankfort.

DAVID WHITE, JR.,
W. P. ROPER,
THOS. DOLLERHIDE,
SAMUEL McLEAN,

} *From the Senate.*

WM. B. LONG,
JOHN YANTIS,
LEMUEL WILLIAMS,
WM. SANDERS,
THOS. STEVENSON,
WILLIAM CUNNINGHAM,
WM. B. O'BANNON,
Z. TAYLOR,
CHARLES L. HARRISON,
WM. GERRARD,

} *From the House
of Representatives.*

[C.]

The undersigned have performed the duty assigned them, in the examination of the books and accounts of the penitentiary, in the hands of the agent, and find them in good order, and correctly kept, and report the following statement from said books to the committee, viz.:

Cash received for debts collected, and manufactures sold, from the 1st of October, 1818, to 1st of January, 1820.....	\$24,390 57
Cash received during the same time.....	244 51
Interest received during the same time.....	200 56

\$24,835 64

Cash deposited in the treasury, from the 1st of October, 1818, to 1st of January, 1820	\$24,094 30
Cash paid on suits during same time.....	741 34

\$24,835 64

Amount of debts on the 1st of January, 1820, (after deducting a claim of \$4,000 against the State for articles furnished the commissioners of the State-house....	\$39,886 88
Manufactures on hand the 1st of January, 1820.....	22,755 70

Amount of debts and manufactures on 1st of January, 1820.....	\$62,642 58
Amount of insolvent debts which have been accumulating for the last twelve years..	2,460 97

SAMUEL McLEAN.

[D.]

KENTUCKY PENITENTIARY, December 31, 1819.

DEAR SIR: Your communication (as chairman of the committee, &c.) requiring information respecting the state and condition of this institution, is now before me.

It has been eighteen or twenty years since this institution went into operation, and very little, if any, repairs done to the main building since that time. It now needs reshingling; the floors, sills, and posts of the

1815 to 1826—William Starling, Keeper.

piazzas, are decayed ; all the door sills near the ground, and the wood of the cellar grates, are entirely rotten.

The capping of the walls has fallen off in several places, and, being built of small stone and bad cement, it can be either scaled or penetrated in a few minutes.

There are seventeen cells, six by eight feet, with a small grated window in each, designed only for two men to be confined in ; but we are compelled to put in four, which makes it inconceivably distressing in hot weather. The floors were laid with common unseasoned plank, and now afford no more security than if they were laid down loose. They are so situated that a single guard can only see the front except by going through the cellar into the back yard, which makes it so disagreeable and troublesome that it is often neglected ; and the prisoners have only to penetrate a rotten brick wall, so as not to alarm the guard, then find very little difficulty in making their escape.

There are not enough rooms to employ the convicts to advantage, and the inclosure is too small to build more. The convicts are employed—

In shoemaking	10
Blacksmiths	4
Nailers	15
Chairmakers	5
Stone-cutters	32
Cooks, washers, and invalids	5
Total	71
Increase the present year	16

The most of the nailers and stone-cutters might be employed to more advantage in other branches of business, if there were suitable rooms.

To enlarge and repair the present buildings, so as to make them answer the purpose ten or fifteen years longer, would require, probably, at least one third as much labor and expense as a new one would cost, and then be neither convenient nor secure. An institution of this kind should certainly be so constructed and guarded as to preclude the idea of escape.

The building of a new penitentiary, or repairing the present one, could be done by the labor and funds now employed.

The making of nails (except in a very small way) must be discontinued, as they can be purchased at New Orleans, and brought up the river, cheaper than I can buy the iron to make them. There is now employed in that business, probably, \$40,000. The greater part of that sum might be withdrawn in one, two, and three years, without inconvenience, and the most of the labor could be done by the convicts, such as the stone, blacksmith, and carpenter's work.

A situation on the river, for an institution of this kind, would be very desirable for carrying off the trash and filth necessarily created in such a place ; and would save four or five hundred dollars a year, now paid for conveying raw materials and fuel from the river to this place.

With respect, your most obt. serv't, W. STARLING, JR., K. K. P.

1815 to 1825—William Starling, Keeper.

The Governor, in his annual message of 1820, says:

"Our penitentiary establishment will require your early attention. That institution, (organized and intended for the wise, humane purpose of uniting mercy with justice,) from the increased and increasing number of convicts, and the decayed state of the buildings, originally too small to afford the benefits of solitary confinement, and convenient room for labor, will be found, at this time, altogether insufficient. A thorough examination, by some members of your own body, will be necessary to enable you to adopt such measures as you may judge most conducive to promote the public good, and to realize the hopes of the State in establishing the institution."

✓ *Fourth annual report of the Auditor—A statement of the situation of the penitentiary.*

MANUFACTURES.

From the 1st October, 1819, to the 30th September, 1820, the agent's receipts to the keeper, viz:

For cut nails.....	\$10,010 08
For wrought nails.....	592 92
For shoes.....	5,232 31
For chairs.....	1,230 36
For blacksmith's work.....	2,861 95
For stone.....	2,375 00
Total amount of agent's receipts.....	\$22,302 62
The keeper consumed, in the manufacturing of the above articles, raw material to the amount of.....	10,752 92
Gross profit on the articles manufactured.....	\$11,549 70

The expenses of the institution in the same period are—

For fuel.....	\$171 18
For clothing in part.....	24 94
For contingencies, including clothing in part.....	1,078 75
For dieting.....	3,243 50
For guards.....	960 00
The agent and keeper's salaries, commissions, and the pay of an assistant keeper.....	3,150 38
	8,628 75
Net profits.....	\$2,920 95

THE KEEPER.

There was due to him on the 1st day of October, 1819.....	\$4,000 22
He has expended from that period to the 30th day of September, 1820, as enumerated in the manufacturing.....	5,478 37
In the same period paid for raw materials.....	7,844 24
	\$17,322 83
He has received from the treasury in the same period.....	15,650 00
Due to the keeper on the 1st of October, 1820.....	\$1,672 83

LOANS.

There was due to government for loans on the 1st of October, 1819.....	\$21,353 09
Amount carried forward.....	\$21,353 09

1815 to 1825—William Starling, Keeper.

Amount brought forward.....	\$21,353 00
From the 1st of October, 1819, to the 30th September, 1820, warrants were drawn on the treasury for the purchase of materials to the amount, as above stated, of.....	15,650 00
Also for the payment in part of the compensation due to the agent and keeper.....	4,065 93

Total \$41,069 03

Paid by the agent to the treasurer in the year ending on the 30th September, 1820—

For debts	\$17,025 84
For sales	2,486 00
For costs	531 51
For interest	149 68
	<u>20,193 03</u>

Due to the government on the 1st day of October, 1820..... \$20,876 06

RAW MATERIALS.

On hand the 1st day of October, 1819.....	\$6,017 31
Purchased in the year ending 1st October, 1820.....	7,644 94

Total amount of raw materials.....	\$13,661 55
Consumed in the manufactures in the same period.....	10,752 92

On hand..... \$3,108 63

SALES.

Sold in the year ending 30th September, 1820—

On credit	\$23,300 96
For cash.....	2,486 00
	<u>\$25,795 96</u>

THE AGENT.

There were in his hands on the 1st day of October, 1819, debts and manufactured articles to the amount of	\$63,400 67
From that period to the 1st day of October, 1820, he has been charged with manufactured articles	22,302 62
With interest received.....	149 68
Costs received.....	531 51
	<u>\$86,384 48</u>

In the same period he has been credited—

By costs paid.....	\$772 98
Monies paid into the treasury.....	20,193 03
Articles furnished the commissioners for superintending the rebuilding the State-house, as per appropriation bill 1814.....	4,000 00
	<u>24,966 01</u>
	<u>\$61,418 47</u>

The general account of the institution was, on the 1st day of October, 1820—

CREDITS.

By effects in the hands of the agent.....	\$61,418 47
Raw materials on hand	3,108 63
	<u>\$64,527 10</u>
Amount carried forward.....	<u>\$64,527 10</u>

1815 to 1825—William Starling, Keeper.

Amount brought forward \$64,527 10

DEBTS.

Loans due to the State	\$20,876 05	
Due to the keeper	1,672 83	
Due for a debt contracted by the keeper	9,000 00	
Due James Paul for iron	1,500 00	
To the keeper and agent for commission	1,042 93	
		34,091 81
		<u>\$30,435 29</u>

Mr. White, from the joint committee appointed to examine and report the state of the penitentiary, made the following report, to-wit:

The joint committee appointed to examine and report the state of the penitentiary institution, have, according to order, performed that service, and beg leave to submit the following as the result of their inquiries:

The number of convicts in the penitentiary, on the 1st day of November, 1820, was seventy-one, who are employed, in the general, in the following mechanic arts, to-wit:

In the nail cutting factories	7
In making wrought nails	4
In other blacksmith's work	4
In manufacturing chairs	4
In shoemaking	11
In harness making	1
In stone-cutting	34
In cooking and washing, including invalids	6
Total	<u>71</u>

Amounting, in the whole, to seventy-one, as above stated; all apparently in good health, and, in general, in good condition; sufficiently well clad and dieted, except as to the latter.

Your committee would recommend that the addition of good, sound, wholesome vegetable diet should be added, when it can be purchased on reasonable terms. No opinion is hazarded upon the condition of the buildings by this committee, as that part of the subject has been referred to another committee, who have already reported thereon.

Your committee represent that there are raw materials on hand, belonging to the institution, of various kinds, to the amount of \$2,917 93, to-wit:

Manufactured articles in the possession of the agent, not disposed of, consisting of various articles, as follows, to-wit:

Amount of shoes	\$ 1,108 00
Amount of drawing chains	322 37
Amount of articles, other than nails and drawing chains	1,352 62
Amount of nails of all kinds	11,229 67
Amount of chains	974 25
Amount of stone-work of all kinds	3,672 84
Total amount	<u>\$18,659 75</u>

Schedules of the raw materials and manufactured articles on hand will be presented to the General Assembly, in a specific shape, for inspection.

1815 to 1825—William Starling, Keeper.

Your committee are of opinion that there is a disproportionate quantity of stone-work on hand ; and would advise that less of that fabric should be manufactured in future, unless the demand for that article should increase. We are of opinion that a part of the convicts might be more beneficially employed in the business of manufacturing tobacco, spinning-wheels, wheel carriages of the common sort, and in carrying on the coopering business ; each to such an extent, and upon such a scale, as the keeper and agent, in their sound discretion, may deem expedient and proper.

The current accounts of the agent with the keeper, previous to, and since, the 1st day of October, 1819, which have not been heretofore specially reported, together with the amount of receipts on sales, and debts collected and deposited in the treasury to the credit of the agent, stand thus :

Manufactures on hand the 1st of October, 1819.....	\$22,287 70
Manufactures received of keeper penitentiary, from the 1st of October, 1819, to the 30th of October, 1820.....	23,285 84
	<hr/>
	\$45,573 54
Sales of manufactures, from the 1st of October, 1819, to 30th of October, 1820..	26,814 72
	<hr/>
Leaving a balance of manufactures on hand, on the 30th of October, 1820, of ----	\$18,758 82
	<hr/>
Amount of receipts, on collection of debts and articles sold, from the 1st of October, 1819, to the 30th of October, 1820.....	\$21,316 45
Costs received.....	550 04
Interest received.....	149 68
	<hr/>
	\$22,016 17
	<hr/>
Amount of deposits in the treasury, from the 1st of October, 1819, to the 30th of October, 1820, is.....	\$21,236 03
Costs paid on suits.....	780 14
	<hr/>
	\$22,016 17
	<hr/>

The receipts on the collection of debts, and cash received on sales, are thus balanced by the deposits made in the treasury, by the agent, since the 1st of October, 1819 :

The whole debts due the institution, upon bonds, notes, accounts, or otherwise, amount, nominally, to the sum of.....	\$42,775 70
Add to this manufactures on hand, as aforesaid.....	18,858 82
Also, the amount of raw materials, as before stated.....	2,917 93
	<hr/>
Total nominal worth of the institution on the 30th of October, 1820, debts due therefrom excepted, is.....	\$64,552 45
Balance due the State, for moneys advanced to the benefit of the penitentiary, as per Auditor's report, 10th of October, 1820.....	21,956 80
	<hr/>
Balance due in favor of institution.....	\$42,595 65
	<hr/>

Your committee report that the books and papers of the agent and keeper are all in good order, in well-bound books and neat files, labeled in clerical order. But they are sorry to say that a great many of the debts due the institution, as relates to their collection, are in a desperate and alarming situation. Few of the claims are bonded ; and some of the

1815 to 1825—William Starling, Keeper.

unliquidated accounts have been standing almost from the commencement of the institution. Many of her debtors are in a state of insolvency; many others have absconded to parts unknown; and your committee are of opinion that but little more than one-half of the nominal debt due, if that, will ever be collected—certainly not, if greater exertions are not used to effect that purpose. An expose of the debts, in detail, will be laid before the Legislature for inspection, which will more fully evince the probable results here anticipated.

It is stated by the keeper that the probable expenditures that will be required for the purchase of additional raw materials, for the year 1821, will be \$9,000. If so, the State is playing a losing game, unless collections can be facilitated by acts of the Legislature, and a display of the active exertions of the officers of the penitentiary.

Your committee are of opinion that the State would be benefited if sales were made for cash in hand, should the loss be 25 or 30 per cent. upon the value of the articles. At all events, the agent, in addition to instructions to facilitate the collection of debts, should be restricted from vending the manufactured articles on credit, except upon bonds executed therefor, well secured by mortgage or personal security. The following resolution is submitted:

Resolved, That a law ought to pass to enable the agent of the penitentiary to secure and facilitate the collection of debts due the penitentiary, and to regulate the manner of sales of manufactured articles hereafter to take place.

All of which is most respectfully submitted.

DAVID WHITE, Jr., WM. P. ROPER, SAML. MCLEAN, THOMAS DOLLERHIDE,	}	<i>From the Senate.</i>
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WM. GRUNDY, N. P. PORTER, THOS. STEVENSON, WM. CALDWELL, D. P. BEDINGER, JOHN H. RUDD, B. CHISHOLM, JAMES C. CRAVENS,	}	<i>From the House of Representatives.</i>
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The resolutions offered by this and preceding Legislatures evince a feeling, which has increased from that time forward—a disposition to throw the responsibility of correcting positive abuses, and making important improvements, upon others, instead of discharging their duties as men should when necessity demanded. Had this principle been carried out, instead of resolves, acts authorizing liberal appropriations would have been made, and the institution placed upon a basis both creditable and profitable to the State.

1815 to 1825—William Starling, Keeper.

The Speaker laid before the Senate the following communication from the Auditor, to-wit:

AUDITOR'S OFFICE, December 21st, 1820.

WILLIAM T. BARRY, *Lieutenant Governor and Speaker of the Senate*—SIR: In obedience to the resolution of the honorable Senate of this State, requiring the Auditor forthwith to report to that body the account of the whole profit and loss of the penitentiary establishment for the last ten years, I herewith transmit the inclosed statement, which I am fearful will be too imperfect to afford much satisfaction, owing to the circumstance of various changes which have taken place by law in the conducting said institution within the period above mentioned. It will also be recollected that the accounts of that institution were not kept at this office until 1817; (see *Littell's Laws*, vol. 5, p. 558;) since which time the Auditor's annual reports give a detailed account, which, it is apprehended, will be much more satisfactory than a mere abstract taken from them; all of which I beg you will lay before the Senate.

I have the honor to be, sir,

Your obedient servant,

PORTER CLAY, Auditor.

A statement showing the amount of moneys drawn from the treasury, for and on account of the penitentiary, from the year 1810 up to the 1st of October, 1820; also the amount paid into the treasury by the keepers and agents for the same period, viz:

1810. Warrants drawn for keeper's salary.....	\$300 00
1811. Warrants drawn for keeper's salary.....	600 00
1812. Warrants drawn for keeper's salary.....	600 00
1813. Warrants drawn for keeper's salary.....	600 00
1813. Appropriation made January, 23d.....	2,500 00
1814. Warrants drawn for keeper's salary.....	600 00
1815. Warrants drawn for keeper's salary.....	600 00
1816. Warrants drawn for keeper's salary.....	600 00
	<hr/>
	\$6,700 00
Credit by Treasurer's receipt, dated 21st July, 1814.....	\$287 89
Credit by Treasurer's receipt, dated November 30th, 1815.....	2,000 00
	<hr/>
	2,287 89
	<hr/>
Balance due the Commonwealth on the 1st October, 1816.....	\$4,412 11
	<hr/>
Warrants drawn by the Auditor on the Treasurer, from the 11th February to the 1st of October, 1817, for the purchase of raw materials	\$18,530 00
Warrants drawn for the compensation of keeper and agent.....	1,622 00
	<hr/>
	\$20,152 00
Paid the Treasurer by the agent during the same period	10,230 85
	<hr/>
Balance due the Commonwealth.....	\$9,921 15
	<hr/>
Warrants drawn on the Treasury, from the 1st of October, 1817, to the 30th September, 1818, for the purchase of raw materials, &c.....	\$22,757 00
Warrants drawn for the keeper's and agent's salaries, &c.....	2,106 70
	<hr/>
	\$24,863 70
	<hr/>
Amount carried forward	\$24,863 70

1815 to 1825—William Hardin, Keeper.

Amount brought forward.....	\$24,863 78
Paid by the agent to the Treasurer during the same period.....	17,424 56
	<u>\$7,439 22</u>
Add the balance due the Commonwealth on the 1st October, 1817.....	9,911 13
	<u>\$17,350 35</u>
Warrants drawn on the Treasurer from the 1st October, 1818, to the 1st October, 1819, for the purchase of raw materials, &c.....	\$21,914 00
Warrants drawn for the compensation of keeper and agent.....	2,318 74
	<u>\$24,232 74</u>
Paid by the agent to the Treasurer during the same period.....	20,230 00
	<u>\$4,002 74</u>
Add the balance due the Commonwealth on the 1st October, 1818.....	17,350 35
	<u>\$21,353 09</u>
Warrants drawn on the Treasurer from the 1st October, 1819, to the 1st October, 1820, for the purchase of raw materials, &c.....	\$15,650 00
For the compensation of keeper and agent.....	4,065 99
	<u>\$19,715 99</u>
Add the balance due the Commonwealth on the 1st October, 1819.....	21,353 09
	<u>\$41,069 08</u>
Paid the Treasurer during the same period.....	20,193 03
	<u>\$20,876 05</u>
Balance due the Commonwealth 1st October, 1820.....	

PORTER CLAY, Auditor.

AUDITOR'S OFFICE.

The wretched condition to which the institution had been reduced by the want of proper management, and the lack of liberality on the part of the Legislature, called forth the following remarks in the annual message of Governor Adair, to the next General Assembly.

October 16, 1821.—Governor Adair, in his message, says:

I must again invite the attention of the Legislature to a consideration of the condition of the penitentiary.

If it be true that political institutions had their origin in the wants and fears of individuals, and were designed for the security of all the members of civil society, it is a great perversion of the just ends of government to extend the punishment of offenders beyond the measure required by the safety of the unoffending, as it would be to refuse redress to the injured, or protection to the weak. Punishments are inflicted for example and amendment. The former are public, and intended to deter; the latter

Wm. Starling, the fifth keeper of the Kentucky penitentiary, was a native of Mecklenburg county, Va., and was born about the year 1784. He came to Kentucky in 1800. At the time he received the appointment of keeper to the penitentiary he was a merchant doing business in the town of Frankfort. He acted as keeper about three years, when he resigned in favor of Gen. Wm. Hardin. After resigning as keeper, he removed to a farm in Logan county, where he remained for several years. He then removed to Hopkinsville, Christian county, where he remained for some years, doing business as a dry goods merchant, and died in 1840, in the 56th year of his age. He was an elder in the Presbyterian church for many years—a consistent Christian and estimable gentleman.

ought to be secret, and fitted to reform. To multiply capital offenses beyond the number of those which have for their object the destruction of human or national existence, bespeaks a pusillanimous and vindictive spirit of despotism. By a public and prolonged exhibition of ignominious punishment, calculated to humble and debase a human being, whose want of self-respect has betrayed him to the commission of meanness or crime; by consigning to one common mansion of guilt all convicts of whatsoever grade, and compelling the high-minded and the enlightened, the unfortunate victim of venial error, to consort with the atrocious murderer or ignoble thief, and from the influence of such a system, and the contagion of such associations, to hope for final reformation, bespeaks a lamentable ignorance of human character. The pride of our legislation has never stooped to the ball and chain. Its humanity admits, but on awful exigencies, the horrors of the gallows. To the honor of Kentucky it will hereafter be recorded, among the acts on which posterity will love to dwell, that, in the very infancy of her government, she was among the first to assert the permanent triumph of civilization over the barbarous inflictions of sanguinary punishments. But whatever tends to change the established condition of mankind, or even to mitigate their sufferings, must be of slow progress; and whatever may have been the success of the penitentiary system elsewhere, it is a cause of regret that here it has failed to realize the expectations of its philanthropic founders. This disappointment, however, should be the less discouraging, from the consideration that our failure has been the result rather of a neglect or misapplication of means, than of any radical defect in the system itself.

Whether society can rightfully exact, as the forfeit of any act, the life of one of its members, is a question which has too long been confined to the schools. May we not indulge the fond hope that it has been reserved for the auspicious age in which we live to give birth to a new era in the history of criminal jurisprudence, and for the legislators of the new world, by the abolition of capital punishment, to add another trophy to the victories of enlightened freedom? But whatever may be the period from which we are to date the consummation of our hopes, we have every motive to present exertion that can originate from the disappointment of well-founded expectations.

It is the peculiar excellence of the penitentiary system that it blends the ends of public example and personal reformation. Its characteristic defect is a tendency to corrupt the heart by vicious associations, and a hardened disregard of public opinion.

The following present themselves as the prominent defects in our system:

The omission of solitary confinement;

The want of general instruction;

The absence of all distinctions of merit;

The infliction of corporeal punishment; and

1815 to 1825—William Hardin, Keeper.

The neglect to furnish a suitable provision for the prisoner after his liberation.

Man is a social being. The intercourse of his fellow-man is essential for his happiness, and necessary for the expansion of those noble faculties which distinguish him above all other animals. Unbroken solitude is the grave of his genius and his joys. Virtue herself wanders with melancholy aspect in the regions of exile, and sinks with despairing anguish amid the gloom of that dungeon from which she is never to emerge. But absolute and compulsory solitude, when adopted as a punishment and inflicted for a season only, has been found productive of the most beneficial results. It is the inquisitor of the soul, and the tyrant of every vice.

It may be regarded as scarcely possible that the guilty prisoner can long inhabit a cell where darkness and silence reign undisturbed arbiters of his doom, without some relenting of purpose, some real penitence of heart. The moral faculty regains its lost dominion in his breast, and its solemn responses are regarded as oracular. He acquiesces with abated resentment in the justice of the sentence by which he suffers. That audacious spirit of resistance to the established order of society, which drove him to the commission of every outrage, gives place to the mortifying sense of his weakness and dependence; and he ardently desires, as the first of blessings, a return to that very society from which his crimes have banished him. Hence originate a disposition fitted for the reception of moral and religious instruction; a conformity to the requisitions of his present condition; a spirit of active industry, emulation, and amendment, as the means of present favor and future restoration, and all the benefits which are consequent on regular habits and amended morals. If the prisoner be wholly uneducated, he ought to be instructed in the elements of reading, writing, and common arithmetic. If he be destitute of the knowledge of some useful and creditable trade or occupation, he should be taught how to obtain a subsistence by his skill and labor. Rewards should be offered, which would have for their end present exemptions and distinctions, and the shortening the time of confinement and service; and even in this abode of punishment, penalties should be inflicted to deter from insolence, from negligence, and from petty vices. But corporeal punishments, and every mark of ignominy, should be carefully avoided, as tending to debase and render desperate those we would amend. In the place of all other modes of punishment, solitary confinement is recommended as an invincible champion in the school of correction.

After the expiration of his time of service, the subject of partial reformation, or of more confirmed vices, is turned loose on the community, in the midst of strangers, without a shilling in his pocket, and with the badges of his recent disgrace attracting derision and reproach wherever he goes. Is this an ignominy to which his country should consign the wretch who has drunk to the dregs the cup of humiliation? Is this a trial to which even an offended country should betray him? No; let the industrious

convict be allowed a moderate portion of his own earnings to bear him to his distant home; perhaps to his beggared family. I would save even the slothful and improvident from this last scene of human degradation—permitting those who could not be restored to the confidence of their fellow-citizens, to hide their unobtrusive faults, by gently sinking into their native obscurity.

It will, however, be found utterly impracticable, in the present situation of the institution, to carry into effect the whole, or any material part, of the plan above suggested. The buildings are wholly inadequate to the purposes for which they were designed, and are in a state of rapid decay.

Our population has outgrown our early establishments. While the corresponding ratio of crimes has diminished, the number of criminals has greatly increased. There is not sufficient space within the walls for the convicts to carry on their respective occupations, far less for exercise and recreation. Half a dozen are crowded into one apartment, constructed for the accommodation of a single person. Frequent and severe disease is the consequence; and sometimes, it is to be feared, premature death.

By keeping all the convicts together during the day, and many during the night, those pernicious associations are formed and continued, the effects of which are so much to be deprecated; and that continued or occasional solitary confinement, particularly in the early period of their term, the fruits of which are considered so salutary, rendered impracticable. The unrestrained communication, which necessarily exists, affords daily opportunities for the consummation of desperate plots, while the dilapidated state of the buildings invites them to escape. It is cruel to thus tempt beings, in whom the love of liberty is the ruling passion, to fly from imprisonment, when the very attempt, so natural, so irresistible, imposes new shackles and prolongs their bondage. In such a confined, insecure, and confused condition, little is to be hoped for or accomplished in moral improvements, intellectual instruction, the formation of better habits, or the efficacy of example. Few are amended, and none reformed. Unless, then, the Legislature shall be prepared to abandon the mild system of corrective punishment, under the influence of which the safety and the morals of the community have heretofore been so happily guarded and improved, the time has arrived when it becomes indispensable to reorganize and enlarge the State penitentiary.

[No. 1.]

A statement by the Auditor of moneys received at the treasury, shows that, during the twelve months ending 10th of October, 1821, the sum of \$25,818, was received from the agent of the penitentiary.

[No. 2.]

A statement of moneys paid at the treasury during the same time:

Loans to penitentiary.....	\$22,189 12
Criminal prosecutions.....	11,825 95
Wages, for attendance on circuit courts and dieting criminals	6,316 16

1815 to 1825—William Hardin, Keeper.

Slaves executed	2,110 00
Attorneys	6,647 67

[No. 3.]

A statement of balances due to government on the 10th day of October, 1821:

Penitentiary, for loans	\$18,327 92
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[No. 7.]

A statement of the condition of the penitentiary.

MANUFACTURES.

From the 1st of October, 1820, to 1st October, 1821, the agent's receipts to the keeper are—

For blacksmith's work	\$2,275 01
For shoes	5,062 56
For cut nails	5,257 35
For head nails	200 42
For chairs	546 04
For stone work	1,224 54
For brushes	81 87
Total amount	\$14,667 78
The keeper consumed in the manufacture of the above articles, raw material amounting to	8,493 51
Gross profit of articles manufactured	\$6,174 27

The expenses of the institution, for the same period, were—

For diet	\$2,916 27
For clothing	362 23
For fuel	195 11
For guards	1,200 00
For contingencies	3,894 48
The agent's and keeper's salaries, commissions, and pay of an assistant keeper	2,903 39
	\$11,491 48
Gross profits	6,174 27
Leaving a balance against the institution of	\$5,317 21

THE KEEPER.

There was due to him on the first day of October, 1820	\$1,672 83
He has expended from that period to the 30th September, 1821, as enumerated in the manufacturing account	8,588 09
In the same period for raw materials	8,325 63
Total	\$18,586 55
He received from the treasury in the same period	17,633 53
Due the keeper 1st October, 1821	\$953 02

LOANS.

There was due the government for loans, on the 1st day of October, 1820	\$21,876 05
From 1st October, 1820, to 30th September, 1821, warrants were drawn on treasury for raw materials, as stated above	17,633 53
Also, for payment in part of compensation due to the agent and keeper	3,078 42
Total	\$42,588 00
Amount carried forward	\$42,588 00

1815 to 1822—William Hardin, Keeper.

Amount brought forward	\$42,506 00
Paid by the agent to Treasurer, in the year ending 30th September, 1821—	
For debts	\$19,677 70
For sales	4,616 33
For costs	655 65
For interest	471 12
	<u>25,421 00</u>
Due to the government on the 1st day of October, 1821	\$17,167 00

RAW MATERIALS.

On hand the 1st October, 1820	\$3,108 64
Purchased in the year ending 1st October, 1821	8,325 63
Total amount of raw material	\$11,434 27
Consumed in manufacture in the same period	8,493 34
On hand	<u>\$2,940 93</u>

SALES.

Sold in the year ending 30th September, 1821, on a credit	\$13,942 55
For cash	4,616 33
Total sales	<u>\$17,558 88</u>

THE AGENT.

Had in his hands on 1st October, 1820, debts and manufactured articles to the amount of	\$61,418 47
From then to October 1st, 1821, he has been charged with manufactured articles to the amount of	14,667 78
With costs received	655 65
With interest received	471 12
Total charged	<u>\$77,213 22</u>
He has been credited with costs paid	\$617 73
Discounts made on sales	1,768 33
Moneys paid into treasury	25,421 00
	<u>27,807 06</u>

Balance in his hands on 1st October, 1821	\$49,406 16
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The general account of the institution on the 1st of October, 1821, was—

CAPITAL.

By effects in the hands of agent	\$49,406 16
Raw materials on hand	2,940 75
	<u>\$52,346 91</u>

DEBTS.

Loans due the State	\$16,167 00
Due keeper	958 02
Due for a debt contracted by the keeper	9,000 00
Due agent and keeper for compensation	867 90
	<u>26,987 92</u>

Nominal value of said institution on the 1st of October, 1821	\$25,358 99
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The Treasurer reports that he paid on warrants drawn between October 11th, 1820, and October 10th, 1821, for criminal prosecutions, \$12,415 12; though Auditor's reports say warrants were drawn for only \$11,885 95.

The Governor, in his annual message to the Legislature of 1822, says:

1815 to 1825—William Hardin, Keeper.

"The penitentiary system has been adopted by most of the North American republics. This general sanction is honorable to our country, and worthy the imitation of all civilized nations. It is no longer a question whether the system is of practical utility, and its introduction a blessing to mankind. It is progressively and widely extending its triumphant march. The principles on which it rests find easy converts and zealous advocates in every clime where generous feelings and enlightened sentiments prevail; and the only inquiry among the friends of human happiness, freedom, and reform, is, how can this benign invention be improved and perfected? Kentucky was among the first of the States that established a penitentiary, and her example has contributed to propitiate general approbation.

"How strange, how lamentable an instance of the mutability of opinion, if she should be the first to abandon a system she has so successfully recommended! Yet, the simple question which obtrudes itself is, will you have a penitentiary? It is nugatory to amuse yourselves with flattering hopes of salutary amendments, when we are destitute of an adequate object to amend. I am not now urging upon your adoption a single improvement in the general system, but am driven to the melancholy supplication that you will not permit the system itself to perish. The existing establishment, in the best condition that the means afforded can place it, is merely a confined and ruinous workshop, necessarily deprived of every concomitant aid designed for the reformation of the convict, and furnishing within its walls, in spite of every available precaution, the opportunities and incentives to the most contaminating associations, and the promulgation of the most depraved principles.

"From such a place repentant virtue never can return. With the present increase of our population, and in the existing state of society, such an institution is a curse; and the General Assembly, in obedience to the force of circumstances, must very soon adapt it to the wants of our actual condition, or return to the bloody code of our fathers.

"On a subject so momentous in its consequences to the most sacred rights of the community, I feel an extreme solicitude, which I shall not pretend to disguise. But this solicitude does not arise, in the slightest degree, from a distrust of the justice and magnanimity of my country. To estimate this matter correctly, it is only necessary rightly to consider it. This is not a money-making or a money-saving project. It is a magnificent plan, devised by the spirit of philanthropy, and approved by the profoundest wisdom, to accelerate the progress of civilization; to diminish the sufferings and amend the morals of human kind. In the support of such a plan, on the successful termination of which is deeply staked the dignity of our race, no frigid speculations of abstract policy, no mercenary calculations of pecuniary profit, should retard the consummation of the noble design. The protection which every government owes to its citizens includes every practicable amelioration of their condition; and whatever may be the

1815 to 1825—William Hardin, Keeper.

practice in arbitrary dominions, this is not a soil, the blood of whose sons is to be weighed in the balance against gold.

"In relation, however, to the costs of their support, the convicts in your penitentiary, considered as mere laborers, fed at the public expense, have not been unprofitable during the last year. The price of the manufactured articles during that period, ending with the month of September, exceeds the entire expenses of the institution. The whole of these articles cannot be vended at this place, and a large amount, including many articles manufactured during several preceding years, remains unsold.

"If the agent were authorized to distribute these for sale at the neighboring towns, or to dispose of them by auction, at stated times and places, similar losses and inconveniences might, for the future, be obviated."

Several acts were passed during the session of the Legislature this year. Among them the following, viz.: An act approved December 4, 1822:

"The Auditor of Public Accounts is authorized and directed to issue his warrant upon the treasury, in favor of Trevor, Paul & Co., and James Paul, (for iron furnished penitentiary,) for \$5,000 in the paper or notes of the Bank of the Commonwealth of Kentucky; which said sums shall be charged to the account of the said institution; and the Auditor is directed to take a receipt from the above-named parties for said sums."

The following act was approved 10th December, 1822:

"In addition to the grounds now included in the walls of the penitentiary, an area of one acre is, by this act, added, &c., and to be inclosed by a stone wall, four and a half feet thick, and eighteen feet high above the ground."

Hon. John Brown, James Weight, and Charles Julian, Esquires, were appointed commissioners, with full power to make contracts for the building of said wall and the purchase of the ground. They were to erect, within the walls, forty additional cells; for the building of which they were authorized to work such number of the convicts as they chose, under the direction of the keeper, and to draw from the institution such articles as they needed in the erection of the cells. The commissioners were empowered to draw from the treasury such sums of money as they needed from time to time, during the progress of the work, but not to exceed \$12,000 for the whole.

The Governor was empowered by the same act to appoint any number of sub-agents to dispose of articles, manufactured by the convicts, at other points; and the agent was required to forward any amount of said articles to the sub-agents he might think could be sold at the place of such sub-agent. These sub-agents were to give bond, with good security, for the articles received, and pay over to the agent the returns of sales from time to time; and when articles were not sold, to return them to the agent. The agent was to add to the price of such articles the cost of transportation, and allow the sub-agent ten per cent. on all articles sold.

1815 to 1826—William Hardin, Keeper.

This act reduced the time for which the agent was to hold his office to two years, and also enacted that from and after the 24th of January, 1824, the keeper's term should be fixed for the same length of time. It further restricted the contracts, to be made by the keeper for the institution, to \$500, unless with the consent of the Governor, Auditor, and Treasurer, or a majority of them. The fourth section of the act of 1820 was repealed, and the agent required to sell for cash only thereafter. The agent was, by this act, not allowed to draw on the treasury for his salary until his quarterly abstract of accounts was furnished the Auditor. The Auditor was to examine the accounts of the agent and sub-agents, and when any of them had failed to comply with the 10th section of the act of 1810, to cause suits immediately to be brought against them, and to state the amount of said suits in his reports.

After the passage of this act not more than \$10,000 was to be drawn from the treasury, over and above the amount standing to the credit of the institution on the books of the Auditor. This act authorized the agent to rent a room for the sale of the articles in Frankfort. He and the keeper were to fix prices on the same, and receive one per cent. on articles sold by sub-agents. The agent was authorized to sell at auction the large amount of unsaleable articles on hand, &c.

In future no money was to be drawn from the treasury for the institution until the debts of the same were reduced below \$10,000 on the Auditor's books; nor, at any time, more than \$10,000. The keeper was to clothe, diet, &c., out of the proceeds of the receipts, &c.

Fifth annual report of the Auditor—A statement of the situation of the penitentiary.

MANUFACTURES.

From the 1st October, 1821, to the 1st of October, 1822, the agent's receipts to the keeper are—

For blacksmith's work.....	\$7,443 94
For shoes	6,699 51
For chairs.....	1,144 26
For cut nails	12,961 09
For head nails.....	107 68
For stone	2,612 08
For coopers	1,523 60
For brushes	130 37
For slaies	72 60
For hames	188 00

Total amount of agent's receipts.....	\$32,883 13
The keeper consumed in manufacturing the above articles, raw materials to the amount of	16,386 69

\$16,496 44

The keeper had on hand the 1st of October, 1822, tools, &c., to the amount of	\$1,770 89
On hand the 1st of October, 1821.....	762 06

Amounts carried forward \$1,008 83 \$16,496 44

1815 to 1825—William Hardin, Keeper.

Amounts brought forward	\$1,008 83	\$16,496 44
Which is an accumulation of tools, &c., from the 1st of October, 1821, to the 1st of October, 1822.....		1,008 83

Gross profits		\$17,505 27
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The expenses of the institution in the same period are—

For diet	\$3,927 11
For fuel	1,161 43
Contingencies including the pay of guards, turkeys and for clothing	2,670 58
	\$7,759 12

The agent and keeper's salaries, commission, and the pay of an assistant keeper.....	3,138 09	10,897 21
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Net profits of the institution for the year ending 1st of October, 1822.....		\$6,608 06
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THE KEEPER.

He received from the treasury for the purpose of purchasing raw materials, paying debts, &c., from the 1st of October, 1821, to the 1st of October, 1822.....		\$19,308 00
He has expended in the same period, as enumerated above	7,759 12	
He has expended for raw materials	10,245 64	18,004 76

Due from the keeper to the Commonwealth on the 1st of October, 1822.....		\$1,303 24
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LOANS.

There was due to government for loans on the 1st of October, 1821.....		\$16,167 00
From the above date warrants were drawn from the treasury for the purpose of purchasing raw materials, paying debts, &c., as stated before.....		19,308 00
Also for the payment in part of the compensation due to the keeper and agent.....	\$3,218 78	
Also amount paid Wm. Starling, jr., for balance due him the 1st of October, 1821	953 02	4,171 80

Total.....		\$39,646 80
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Paid by the agent to the Treasurer, in the year ending 1st of October, 1822, to-wit:

For debts collected, cash sales made, costs and interest received		20,638 39
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Due to government on the 1st day of October, 1822.....		\$19,007 61
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RAW MATERIALS.

Raw materials, tools, &c., on hand 1st day of October, 1821.....		\$2,940 75
Raw materials purchased during the year ending 1st of October, 1822.....		10,245 64
The tools, &c., accumulated same time amount to		1,008 83

Which is.....		\$14,195 22
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Raw materials consumed same time, as stated before, amount to.....		\$16,386 69
Deduct from same the amount of raw materials, &c., on hand as above.....		14,195 22

Leaving balance due the keeper the 1st of October, 1822, of.....		\$2,191 47
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From the above statement it appears that the keeper has consumed during the last year more raw materials than he had on hand; it will be found that he has purchased raw materials on a credit to the amount of.....		\$10,199 46
He has purchased and paid for, as stated above.....		10,245 64
He has on hand the 1st of October, 1821		2,178 69

Making in all.....		\$22,623 79
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Amount carried forward.....		\$22,623 79
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1815 to 1825—William Hardin, Keeper.

Amount brought forward	\$22,623 79
Raw materials consumed, as already stated	16,386 69
Raw materials on hand and not paid for	\$6,237 10
Tools, &c., on hand the 1st of October, 1822	1,770 89
Which would make a balance of raw materials, tools, &c., on hand same day of..	<u>\$8,007 99</u>

SALES.

Sold during the year ending 1st of October, 1822—

On a credit	\$15,384 63
For cash	11,563 35
Total sales	<u>\$26,947 98</u>

THE AGENT.

There was in his hands on the 1st day of October, 1821, debts and manufactured articles to the amount of	\$49,406 16
From that period to the 1st day of October, 1822, he has been charged with manufactured articles to the amount of	32,883 13
He has been charged with costs and interest received	135 97
Total charged	<u>\$82,425 26</u>
In the same period he has been credited by costs paid, discounts made on cash sales, &c., to the amount of	\$2,077 89
By money paid into the treasury	20,639 99
	<u>22,717 88</u>
True balance due from the agent's office to the government on the 1st of October, 1822	\$59,707 38
Upon settling the accounts with the executors of John B. Wooldridge, deceased, late agent, he has a balance in his favor of	358 88
Which will make a balance on the present agent's books, in favor of the State, the 1st day of October, 1822, of	<u>\$60,066 26</u>

The general account of the institution was, on the 1st day of October, 1822, as follows:

CREDITS.

By effects in the hands of the agent the above date	\$60,066 26
By money in the hands of keeper	1,303 24
Making	<u>\$61,369 50</u>

DEBITS.

Loans due the State	\$19,006 81
Due the keeper	2,191 47
Due for a debt contracted by former keeper	9,000 00
Due former agent for balance of account	358 88
Due former agent for compensation	93 30
Due the keeper and present agent for compensation	693 91
	<u>31,344 37</u>

Nominal value of said institution on the first of October, 1822

\$30,025 13

PORTER CLAY, Auditor, P. A.

STATE OF KENTUCKY, AUDITOR'S OFFICE, }
Frankfort, October, 23, 1822. }

The Speaker laid before the Senate the following communications from the agent of the penitentiary, to-wit:

1815 to 1825—William Hardin, Keeper.

FRANKFORT, November 18, 1822.

The Honorable Speaker of the Senate:

In obedience to a resolution of the honorable body over which you preside (of yesterday), I herewith transmit an estimate, as near as can be made, of the value of the manufactured articles of the penitentiary institution now on hand.

It was found somewhat difficult to make an exact estimate in so short a time as the resolution seemed to require; but it is believed that it will be found nearly correct—assuming the prices fixed by the keeper to be the value of the articles.

But in relation to the deduction made for depreciation in value, no great accuracy can be pretended. A considerable amount of the articles alluded to in that item are altogether out of demand, and many of them considerably damaged. But it is expected that the sum assumed will be found sufficient to cover the diminution from those causes.

The goods have been priced with a view to the law requiring a discount of fifteen per cent. to be made in cash sales. That deduction is made on the whole amount. Should the law requiring such a discount be repealed, a change in the price of the articles will be necessary; which will so nearly equal the amount of the discounts, that the difference may be allowed for hazard in credit sales, over-estimates, losses in retailing, &c.

All which is respectfully submitted.

JAMES I. MILES, Agent.

PENITENTIARY AGENT'S OFFICE, }
November 18, 1822. }

*An estimate of the manufactured articles on hand at the penitentiary institution,
November 18, 1822.*

Amount of manufactures on hand the first day of October, 1822.....	\$21,222 22
Amount of manufactures received from the keeper, from 1st of October to 18th of November	3,002 43
	\$24,224 71
Deduct from this amount, sold on credit during the month of October.....	1,121 47
	\$23,103 24
Deduct from this amount, sold on credit this month, up to the 18th.....	1,300 20
	\$21,803 04
Deduct from this amount, sold for cash, from the 1st of October to the 18th of November	2,367 12
	\$19,435 92
Amount of manufactures on hand this day, according to the value fixed by the keeper at the delivery of the goods to the agent.....	\$19,415 32
Deduct for discount of 15 per cent., required for cash sales.....	2,912 36
	\$16,503 54
Deduct for damage sustained in cumbrous articles, remaining in the yard for want of store-room, depreciated in value in consequence of change of market, fashion, &c.	503 54
	\$16,000 00

JAMES I. MILES.

1815 to 1825—William Hardin, Keeper.

The Governor, (Adair,) in his annual message of 1823 to the General Assembly, says:

"The penitentiary has been enlarged, under the law of last session, appropriating money for that purpose. I cannot, in justice, refrain from saying that the work has been done in a way that will, I believe, fulfill the expectations, and meet the approbation, of the Legislature. On this subject you will have a report from the commissioners, designated by the Legislature to let and superintend the work. The ground now inclosed by the new wall will be amply sufficient, I trust, for many years to come. There is, however, much work to be done in building the necessary number of cells and workshops. This labor may be performed by the convicts, during the next summer, as the work cannot be well done in the winter. During the last two months I have thought it necessary to allow two additional sentinels to the keeper, as the old walls were necessarily broken to commence building the new. This is a mere temporary arrangement, and will cease when the new walls are finished.

"The laws relating to, and intended for, the government of the penitentiary, are somewhat complicated, and impose unnecessary restraints on both the keeper and agent—restraints which can only operate to the injury of the institution, without producing either safety or benefit to the public. The keeper should be authorized to draw money from the treasury, with the approbation of the Governor, in sufficient sums to supply the raw materials necessary. He ought never to purchase on credit. Let his account be strictly examined annually. This, with the responsibility of the Chief Magistrate, will be a sufficient, and the best, check on him. The agent should not be tied down by unnecessary restrictions. He should be authorized to sell on credit; and to those who would purchase to sell again, he might be allowed to give six, or even twelve months' credit. This, I am well assured, would be a better arrangement than the plan of sub-agents, under the law of last session. The plan of selling the articles long on hand at vendue in this place has been tried, and failed.

"The office of keeper is one of much importance to the community. It requires a man of strong and sound mind, of indefatigable and unceasing attention to the duties of his office; and, although possessed of all that rare combination of qualities or talents, he must learn the duties to be performed within the institution.

"The great and most important object of the Legislature, in organizing the penitentiary and changing the punishment for crimes, was the hope of effecting a reformation in the culprit. To do this, much has been expected from solitary confinement and hard labor combined. They are good so far as they go; but they certainly need, greatly need, the further aid of moral instruction. A large proportion of the convicts are not only illiterate, but, what is worse, they have no sense, no knowledge, of the value and importance of correct morals. We have not a female confined in the penitentiary;

1815 to 1825—William Hardin, Keeper.

and to the honor of that class of our population it may, with truth, be said—and it reflects no less honor upon the State—that female convictions, since the organization of the system, have been very rare. To what cause are we to ascribe this great difference in the human character, if not to the stronger sense of moral feelings in the females than the males? Punishment or suffering alone does not often lead to reform. It is in human nature to resist punishment, which the culprit too often deems unnecessary and unjust. Is it too much to hope, then, from the Legislature, an appropriation sufficient to enable some pious, respectable clergyman, to devote his Sabbaths to the benevolent purpose of instructing this unfortunate and degraded class of men?"

[No. 7.]

A statement of the situation of the penitentiary.

MANUFACTURES.

From the 1st of October, 1822, to the 1st of October, 1823, the agent's receipts to the keeper are—

For blacksmith's work	\$7,856 23
For shoes	6,919 50
For chairs.....	1,064 17
For nails.....	309 87
For slates.....	790 00
For stone	4,125 51
For coopers	1,747 03
For sundries.....	2,802 64
Total amount of agent's receipts.....	\$25,672 95
The keeper consumed, in manufacturing the above articles, raw materials to the amount of.....	13,444 26
Gross profit of manufactured articles.....	\$12,228 69
To which add the amount of raw materials paid for by the keeper this year, which was furnished previous to the 1st of October, 1822.....	2,212 15
	\$14,440 84

The expenses of the institution are as follows:

For contingencies, including the pay of guards, turnkey, clothing, &c.	\$4,485 32
For fuel	806 61
For dieting	4,438 24
	\$9,729 17
The agent's and keeper's salaries, commission, and the pay of an assistant keeper	2,829 57
	12,558 74
Net profits of the institution for the year ending on the 1st of October, 1823....	\$1,669 10

THE KEEPER.

He has received from the treasury, for the purpose of purchasing raw materials, paying debts, &c., from the 1st of October, 1822, to the 1st of October, 1823....	\$21,070 00
Amount due the Commonwealth the 1st of October, 1823.....	1,303 24
	\$22,373 24
He has expended in the same period, as enumerated above.....	\$9,729 17
He has expended in raw materials.....	10,999 96
	20,729 13
Due from the keeper to the Commonwealth on the 1st of October, 1823.....	\$1,644 11

1815 to 1825—William Hardin, Keeper.

LOANS.

There was due to government for loans on the 1st of October, 1822.....	\$19,006 81
From the above dates warrants have been drawn on the treasury, for the purpose of purchasing raw materials, paying debts, &c., as stated above.....	21,070 00
From an appropriation last session of the Legislature.....	5,000 00
Also, for the payment in part of the compensation due to the keeper and agent....	2,968 98
For the payment to the executors of Jno. B. Wooldridge, late agent, for commission and salary due	93 30
	<u>\$48,139 09</u>

Paid by the agent to the Treasurer in the year ending 1st of October, 1823, to-wit:

For debts collected, cash sales made, and for costs and interest received.....	\$22,221 24
Due government on the 1st day of October, 1823.....	<u>\$25,917 85</u>

SALES.

Manufactured articles sold by the agent during the year ending the 1st day of October, 1823	<u>\$19,981 55</u>
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RAW MATERIALS.

Raw materials on hand the 1st day of October, 1822	\$6,237 10
Raw materials purchased from the above date to the 1st of October, 1823.....	10,999 96
Total amount of raw materials.....	\$17,237 06
Deduct the amount of raw materials consumed from the 1st of October, 1822, to the 1st of October, 1823.....	\$13,444 26
Leaving a balance of raw materials on hand the 1st day of October, 1823, of.....	<u>\$3,792 80</u>

TOOLS, &c.

The amount of tools and other articles belonging to the penitentiary, as per report of keeper, is about the same as last year, which amounts to.....	<u>\$1,770 89</u>
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THE AGENT.

There were in the hands of the agent, on the 1st day of October, 1822, debts and manufactured articles to the amount of.....	\$60,066 26
From that period to the 1st of October, 1823, he has been charged with manufactured articles to the amount of.....	\$25,672 95
From costs and interest received same time.....	185 64
	<u>25,858 59</u>
Total charged.....	\$85,924 85
In the same period he has been credited by costs paid, discounts made on cash sales, &c., to the amount of.....	\$4,061 83
By money paid into the treasury	22,221 24
	<u>26,283 07</u>
Balance standing on the agent's books due to the government the 1st of Oct., 1823,	<u>\$59,641 78</u>

The general account of the institution on the 1st of October, 1822, is as follows:

CREDITS.

By effects in the hands of the agent the above date	\$59,641 78
By money in the hands of the keeper.....	1,644 11
Raw materials on hand	3,792 80
Tools and other articles belonging to the institution.....	1,770 89
Total credits.....	<u>\$66,849 58</u>
Amount carried forward.....	<u>\$66,849 58</u>

1815 to 1825—William Hardin, Keeper.

Amount brought forward	\$66,849 58
DEBITS.	
Loans due the State	\$25,917 85
Due for a debt contracted by a former keeper	9,000 00
Due former agent for balance of account	358 88
Due the keeper and present agent for compensation	564 40
	35,831 23
Nominal value of the institution on the first day of October, 1823	\$31,018 35

November 14, 1823.—The Speaker laid before the Senate the following communications from the superintendents for repairing the penitentiary, to-wit:

To the honorable the Senate and House of Representatives of the Commonwealth of Kentucky:

The undersigned superintendents, appointed by an act of Assembly, entitled "An act to enlarge the penitentiary," &c., approved on the 10th day of December, 1822, respectfully report:

That, in compliance with the requisitions of the act aforesaid, they have caused a stone wall to be erected, inclosing, in addition to the ground included within the old walls, one acre adjoining thereto, on the east and south sides of the penitentiary. That the stone work of the wall is completed, except the pointing thereof, which, on account of the advanced season, has been postponed until the next spring; and bonds, with security satisfactory to the superintendents, for pointing the outside, also for pointing or plastering the inside of the wall when required, have been given by the undertakers, who have been paid therefor. They also state, that in consequence of the great depreciation of the paper currency of this State, the contracts entered into with them, for the erection of the said wall, were, in their opinion, the most advantageous for the public which, at the time, could have been obtained; and they flatter themselves with the belief that the stone work, when examined, will be found executed in a substantial and satisfactory manner. For a statement of the moneys and of the materials from the penitentiary, used by them in the erection of the wall, they beg leave to refer to their general account, herewith submitted; and they are prepared to exhibit vouchers for the several items of expenditure, and also to give such explanations as may be required of them.

No progress has, as yet, been made in erecting the solitary cells contemplated by the act aforesaid. The funds appropriated were inadequate to that object; and had it been otherwise, until the new wall was completed, the work could not have been commenced, without affording to the convicts great facilities in effecting their escape. But as the new wall renders the old wall useless, it is believed it may, with propriety, be taken down, and that it will furnish stone and brick in sufficient quantity for the erection of the solitary cells, and such other buildings as may be necessary to complete the penitentiary establishment within the wall; also, that the

1815 to 1825—William Hardin, Keeper.

work may be chiefly executed by the convicts, under the direction of the keeper, at an expense not greatly exceeding what will be required for the purchase of the plank, scantling, and shingles.

We have the honor to be, with due consideration,

Your obedient servants,

J. BROWN,
JAMES WIGHT,
CHARLES JULIAN.

FRANKFORT, November 13, 1823.

To the honorable General Assembly of the State of Kentucky:

GENTLEMEN: In the communication which will be presented to you by the superintendents for building the penitentiary wall, no notice is taken of the top or capping of wood which is at this time putting on said wall. Your superintendents, as such, had no authority to vest money in that way. But on the completion of part of said wall, there prevailed a common opinion that it would be much injured by the winter rains and frost, perhaps to the amount of what half the capping would cost, if it remained exposed during the winter. Confident of that fact myself, and feeling a willingness to protect the public property from injury, which had cost so much, I gave my assent to the putting the cap on said wall, agreeable to the proposals hereunto annexed. Mr. Wight, one of the superintendents, being an undertaker, and the other superintendent being out of the State, if there is any objection to the construction of the cap on the wall, the censure will fall on me. Hence, I will give my reasons for approving the plan. The projecting eaves will cover the intended coat of plaster to be put on the inside of the wall, and will contribute much to the safe-keeping of the convicts. The shingling will be a tight and durable roof, easily repaired. The intended platform for the guard to walk the wall, will lessen the expense of guards, and is in conformity with all the public works of the kind in the eastern States and in Europe. It has been said that no guard can be got to walk the wall, as it will be so cold and so hot. It may be so; for, now-a-days, if a man is jostled while in the enjoyment of vagrant liberty, he bellows out it is contrary to the constitution. As to compensation to those who have furnished materials, and performed the work, it rests with the General Assembly to say what and how they are to be paid.

With the most profound respect, gentlemen, your most obedient,

CHARLES JULIAN.

To the superintendents for the building of the penitentiary wall:

GENTLEMEN: As it appears that a cap or covering is necessary for the wall built around the penitentiary, we do hereby bind ourselves to do the carpenter's work necessary in capping the said wall with shingles, &c., agreeably to your plan, leaving the price to be fixed by a committee which

1815 to 1826—William Hardin, Keeper.

may be appointed by the Legislature to examine the same, or in any other way that the Legislature may direct, and trust to the Legislature for compensation.

Given under our hands and seals this 19th day of September, 1823.

AMOS STOUT, [L. S.]

JOHN WOODS, [L. S.]

WM. B. RATLIFF, [L. S.]

JAMES WIGHT, [L. S.]

STATE OF KENTUCKY,

In account with the commissioners for building the penitentiary wall, &c.

DEBITS.

For cash, penitentiary articles, and convicts' labor, paid and furnished Blanton & Evans, undertakers, for 2,768 perches and 20 feet of wall, built at \$3 71½ per perch, per contract	\$9,344 25
For cash, penitentiary articles, and convicts' labor, paid and furnished Richard Taylor, undertaker, for 1,376½ perches wall, built at \$3 71½ per perch	4,645 62
For penitentiary articles furnished James Wight, for making gates, and 280 pounds of grating purchased of him	130 00
Cash paid Baltzell for drawing papers	1 50
Cash paid Henry Harper for locust sills for gate	35 00
Cash paid James Wight for horse hire in going to Woodford about title to ground, &c.	5 00
Cash paid James Scofield for gate timber, &c.	139 56
Cash paid Richard Taylor for picketing timber	61 20
Cash paid Amos Kendall, printer	4 00
Cash paid J. H. Holeman, printer	2 00
Cash paid Henry Spence for measuring wall	1 50
For hooks and other iron work about the gates	69 50
Error for overcharge to Blanton & Evans	2 00
Balance on hand in Commonwealth's Bank	362 04
	<u>\$14,823 23</u>

CREDITS.

By cash appropriated by act of Assembly for building the penitentiary wall	\$12,000 00
By articles got from the penitentiary by Blanton & Evans, and Richard Taylor	1,743 46
By articles got from the penitentiary by James Wight, for his work on gates and grating	130 00
Convicts' labor performed for Blanton & Evans, and R. Taylor	304 02
Old wall sold to Blanton & Evans, and Richard Taylor, by commissioners	71 25
By articles got by the superintendents out of the penitentiary for gates, &c.	69 50
	<u>\$14,823 23</u>
By balance of money on hand, subject to the order of the Legislature	\$362 04

The new wall inclosed ground on the east side of the original inclosure, and the same wall was torn down in 1857, when the last extension of the area of the grounds was made. The front wall was materially changed, and a new covering made, with a walk on top, and guard houses at each corner. The office was removed to the corner where the front entrance now stands. The opening in the front wall, as seen in the plate at page 23, was closed up, and the wall made of the same height from the north to the south corner, on High street. The walk on top of the wall was abandoned and taken away in a few years afterwards, and the walls raised all round to their present height and finish.

1815 to 1825—William Hardin, Keeper.

Mr. Howard, from the joint committee appointed to examine the penitentiary, made the following report, to-wit:

The joint committee raised to examine the state of the penitentiary have had the subject under consideration, and now submit the following report:

Your committee have examined the new wall of the penitentiary built in pursuance of the act of last session, and they are pleased to find that it substantially comports with the requisitions of that act; that it is, in the opinion of your committee, built of choice materials, and the workmanship is in most respects excellent. They have also examined the workshops, &c., in the institution, and have inquired into the nature of the employment of the convicts, and their situation generally, and are of opinion that the institution might be much benefited by the introduction of other manufactories, such as the manufacture of wool hats, &c., but the adoption of which they will not now particularly recommend.

It is found, from the limited number and bad repair of the workshops, that many of the convicts, in the winter, have to be brought together in one shop; and, indeed, in cold or inclement weather, many remain wholly unemployed, which must result materially to the prejudice of the institution, and partially to thwart the purposes of the law, which consigns them to continual hard labor.

Your committee also learn that, from the limited number of solitary cells that now exists, many of the convicts are, from necessity, permitted to lodge together; and this your committee believe to be one of the greatest objections to the present state of the institution—one of its great objects being the reform of the culprit; and it is believed that neither labor nor pain contribute so efficiently to promote that object as solitary confinement. Hard labor, coarse diet, and stripes for misbehavior, may indeed inspire the convict with abhorrence for the place; but this, it is believed, is forgotten almost as soon as he is permitted to go at large. But when he is confined alone, in a dark and solitary cell, his mind will irresistibly bring in review before it past conduct; and his reason, undisturbed in her empire by plots of future villainy suggested by others, will sit in solemn and awful judgment upon that conduct; and thus the great work of permanent reform will be commenced and consummated. It may be proper here to remark, that the cells required to be built by the act of last session have not yet been begun.

Your committee have also examined the stores of the institution in the hands of the agent. They are satisfied that many of the manufactured articles on hand are priced too high to insure speedy sales for cash in hand, and even on credit, where large quantities might be in demand with a purchaser. They believe that many of those articles will perish by the hand of time before they can be sold at the prices now required for them, and that the best interest of the State requires a speedy sale for prompt payment. It is also with some concern and regret that they find many of

the iron manufactures stored in a cellar, which, from the natural dampness of the atmosphere, must produce rust, and consequent injury.

Your committee have attempted, with considerable labor, to explore the fiscal concerns of the institution; but have found that the investigation would be so protracted as not to admit of completion, within the ordinary period of a session, by a committee who, from their duties in relation to other legislative business, can only attend occasionally to such investigation. From the progress made in relation to this subject, they feel no hesitation in saying that the institution is, at present, very unprofitable, in a pecuniary point of view, to the State; and they have as little doubt that, by a correct disposition of the labor of the convicts, and salutary enactments in relation to the institution generally, it would become a source of considerable revenue. But your committee are not prepared to recommend any particular enactments at this time, for want of full information touching the pecuniary and other concerns of the institution. Your committee would, in relation to these subjects, recommend the adoption of the following resolution:

Resolved, That ——— be, and they are hereby, appointed commissioners on the part of the State to make a thorough examination of the affairs of the penitentiary, from the 1st day of October, 1821, up to the 1st day of October, 1824; and that they report to the next General Assembly, specially, the amount of manufactured articles on hand, at the prices fixed by the keeper; the amount that have been sold annually within that period; the amount of raw materials on hand on the 1st day of October, 1824, which are fit for use, and the amount purchased within the period aforesaid; the amount of debts due the institution, with the interest thereon, and the amount of debts collected by the institution, since the 1st day of October, 1821, which were contracted before that period, including their interest; the amount paid into the treasury, and the amount drawn from it; the amount charged by the keeper annually, within the time aforesaid, for victualing the convicts; the amount for clothing them; the amount for their bedding, and other expenses incident thereto; the amount for medical services; the amount charged for fuel; the amount charged by the keeper for repairs made on the penitentiary; the amount for the hire of guards; the amount charged for making and repairing tools and machinery for the use of the convicts in their labor; the amount received annually, during the period aforesaid, by the keeper and agent, respectively, by way of salary or compensation, and upon what items they have respectively charged and received a commission; the amount of manufactured articles furnished the government, by virtue of any laws appropriating the same, and for what particular purposes; what amount has been received by the keeper for the hire of convicts in enlarging the walls of the penitentiary, and in every other employment, and what amount of materials has been furnished for such improvements or repairs. The commissioners shall also

1815 to 1825—William Hardin, Keeper.

examine the prices fixed upon the manufactured articles of the institution in the hands of the agent; and in every instance in which the prices so fixed are, in the opinion of the commissioners, too high to insure a speedy sale for ready money, they shall reduce the same; and when the prices shall be thus reduced, they shall note the same in the schedule of the articles, and report the amount to be deducted by reason of such reduction of price; and the agent shall thereafter be governed thereby in his sales, and the keeper, in fixing the prices on articles of a similar nature and quality, until otherwise directed by the Legislature.

The said commissioners shall also institute an inquiry into the expediency of adopting other manufactures in the institution, and report the nature of the manufactures they would recommend, and whether it will, in their opinion, be expedient to discontinue any of those now carried on.

They shall also ascertain the amount of cooking utensils, &c., which were delivered over by the late keeper, William Starling, to the present keeper of the penitentiary; and what amount of money was paid by the government to the late keeper for those articles; by what authority, and upon what consideration the same was so paid. The said commissioners shall also report any other matter which they may deem important to a full exhibition of the state of the institution during the period aforesaid, that it may readily appear what has been the annual gain or loss to the State, and, as far as practicable, to say what have been the causes of loss in all instances in which it has occurred.

Your committee will close this report by recommending that every facility be afforded to promote the preaching of the Gospel to the convicts in pursuance of the sentiments expressed by the last Legislature; for your committee believe, that however abandoned and profligate may be those convicts, yet they are susceptible of religious impressions, the means of acquiring which ought at all times to be afforded by the government in whose prison they are confined.

All which is respectfully submitted.

THOMAS C. HOWARD,
CHRISTOPHER MILLER,
SAMUEL W. WHITE, } *From the Senate.*

P. BARRETT,
JOHN M. McCONNELL,
BEN. W. NAPIER,
W. LYNCH,
WM. RODES,
LEWIS RIDDELL,
RICHARD R. LEE,
N. P. PORTER,
WM. WORTHINGTON, } *From the House of Representatives.*

The joint committee raised to examine the state of the penitentiary have, in pursuance of a joint resolution, inquired into the disbursements of the

sums appropriated by the last Legislature for enlarging the walls of the institution, and have also made inquiry into the other matters mentioned in said resolution, and submit the following report:

Your committee refer for a detailed account of the disbursements of the sum so appropriated to the exhibit accompanying this report, marked (A,) for all the items in which satisfactory vouchers were exhibited to your committee. It will be seen by this exhibit that the sum of \$362 94 of the amount appropriated by the last Legislature, remains still in the hands of the superintendents; but it will also be seen that the superintendents have drawn from the stores of the penitentiary, to meet the current expenditures of the building of the walls, the sum of \$2,821 93 in manufactured articles, which shows that the erection of the new walls has cost the sum of \$14,458 99. For the cost of capping the new walls of the institution, your committee refer to the accompanying document marked (B.) Not being themselves competent judges of that description of labor, nor of the quantity or price of materials necessary for the completion of that work, your committee must necessarily repose in the opinions of those whose professions lead to an intimate acquaintance with these matters, by four of whom your committee believe the report marked (B) is certified and signed. The whole cost of the work, as will appear by this document, is \$2,978 80½. From this sum deduct the amount for nails and other articles drawn from the stores of the institution, as shown by the accompanying document, (C,) \$218 50, also \$362 94, the amount in the hands of the superintendents, and there remains due from the State to the superintendents, or rather the workmen who have nearly completed this part of the work, the sum of \$2,397 36½, for the payment of which it will be necessary to provide by law.

Your committee believe that the most economical plan of erecting the cells required by the act of last session, will be to employ the convicts as mentioned in that act, and to require of the superintendents to employ a master workman in the different professions of stone mason and carpenter, to assist in the erection of those cells, and to direct the labors of the convicts therein. The stone of the old wall, it is believed, will be sufficient for the purpose of erecting the cells; but large quantities of lime, sand, and timber, of different descriptions, will be necessary. Your committee are therefore unable to say, with any thing like precision, what will be the cost of their erection, but are informed that they will cost something like \$16,000. About one half of this sum, it is believed, would be saved to the State in the labor of the convicts; a great proportion, say \$3,000 of the residue, might be discharged with articles manufactured in the institution; which would leave a claim upon the treasury for the erection of those cells of \$5,000.

Your committee deem it wholly unnecessary at this time to adopt any process of reasoning to show the propriety of finishing and sustaining this

1815 to 1825—William Hardin, Keeper.

institution. It is one which has been adopted by our humanity, and which is ingrafted in our laws. To renounce it at this time, your committee believe, would be thought capricious in the extreme; and to adopt the sanguinary mode of punishment by death for every offense now punished by confinement in this State prison, would, in the opinion of your committee, illy comport with the divine maxim in criminal law, *that the punishment ought to be apportioned to the character of the offense*. Your committee can, therefore, perceive no course left for the Legislature to pursue in relation to the institution, but to finish it as contemplated by the preceding Legislature, and thereby prepare it for the punishment and the reform of the convicts, as well as render it profitable to the State. Your committee would therefore recommend the appropriation of the sum of \$5,000 out of the public treasury for the purpose of erecting those cells and completing the institution on the new and extended plan, with power in the superintendents to draw upon the agent of the penitentiary for manufactured articles in his hands not exceeding in amount \$3,000; and to this end your committee herewith report a bill, the passage of which they recommend.

Your committee would do injustice to their own feelings were they to close this report without noticing the very prompt and public-spirited efforts manifested by the superintendents for enlarging the walls of the penitentiary, in discharging the duties required of them by the act of last session, and in their endeavors to promote the success of the institution generally.

All which is respectfully submitted.

THOMAS C. HOWARD,	}	<i>From the Senate.</i>
SAMUEL W. WHITE,		
P. BARRETT,		
CHRISTOPHER MILLER,		
JOHN M. McCONNELL,	}	<i>From the House of Representatives.</i>
BEN. W. NAPIER,		
W. LYNCH,		
WM. RODES,		
LEWIS RIDDELL,		
RICHARD R. LEE,		
N. P. PORTER,		
WM. WORTHINGTON,		

[A.]

The commissioners appointed under an act to enlarge the penitentiary, and for other purposes—

To THE COMMONWEALTH,	Dr.
For amount drawn from the treasury under the provisions of said act.....	\$12,000 00
For amount of manufactured articles, stone of old wall, and hire of convicts, paid R. Taylor.....	955 68
For amount of manufactured articles, stone of old wall, and hire of convicts, paid Blanton & Evans	1,666 75
	<u>\$14,622 43</u>

1815 to 1825—William Hardin, Keeper.

SUPRA CR.

By one third of penitentiary wall, built by Richard Taylor, agreeable to contract, being 1,376 $\frac{1}{2}$ perches, at \$3 37 $\frac{1}{2}$	\$4,645 63
By Blanton & Evans, for building two thirds of said wall, being 2,768 perches and 20 feet, at \$3 37 $\frac{1}{2}$	9,344 25
By amount paid Henry Spence for measuring wall.....	1 50
By amount paid James Scofield for timber.....	139 56
By amount paid Henry Harper for locust sills.....	35 00
Paid Richard Taylor for picketing timbers.....	81 00
Paid J. H. Holeman for printing.....	2 00
Paid Amos Kendall for printing.....	4 00
Paid James Wight for horse hire.....	5 00
Paid Thomas L. Baltzell for copying contracts.....	1 50
	<hr/>
	\$14,259 49
Balance in the hands of commissioners.....	\$362 94
	<hr/>
Amount of money and manufactured articles expended on wall.....	\$14,622 43
Drawn by commissioners—manufactured articles for use of said wall.....	199 50
	<hr/>
	\$14,821 93
Deduct from the above amount of money in the hands of commissioners.....	362 94
	<hr/>
Cost of wall without the roof.....	\$14,458 99

[B.]

A general bill of materials and carpenters' work, for capping the new walls of the Kentucky penitentiary.

For 2,330 feet of cornice, at 37 $\frac{1}{2}$ cents per foot.....	\$870 00
For 1,160 girders, at 12 $\frac{1}{2}$ cents per foot.....	145 00
For 5,600 joists, at 4 cents per foot.....	232 00
For 6,960 rafters, at 2 cents per foot.....	139 20
For 818 posts, at 20 cents each.....	163 60
For 8,120 feet of sheeting and shingling, at 4 cents per foot.....	324 80
For 3 sentry-boxes, at \$40 each.....	120 00
For 2,200 feet large oak scantling, at \$5 per 100.....	110 00
For 70,000 shingles, at \$4 50 per thousand.....	315 00
For 5,200 feet of scantling, at \$3 25 per hundred.....	169 00
For 8,700 feet of sheeting plank, at \$1 25 per hundred.....	108 75
For 2,000 feet $\frac{3}{4}$ inch plank, at \$3 per hundred.....	96 00
For 2,950 feet 1 inch plank, at \$2 per hundred.....	59 00
For 2,000 feet $\frac{1}{4}$ inch plank, at 2 $\frac{1}{4}$ cents per foot.....	45 00
For 27 logs of cedar, at 62 $\frac{1}{2}$ cents each.....	16 87
For hauling and loading the same.....	3 00
For 19 logs of cedar, at \$1 each.....	19 00
For bridge toll and loading.....	4 50
For 300 pounds 10d nails, at 15 cents.....	45 00
For 200 pounds 4d nails, at 18 cents.....	36 00
For 200 pounds 6d nails, at 17 cents.....	34 00
For 7 boxes, at 27 $\frac{1}{2}$ cents each.....	2 62
	<hr/>
E. E.	\$2,978 80

We, the undersigned, do hereby certify that the above charges are correct. Given under our hands this 31st December, 1823.

JOHN S. ROBSON,
JOHN I. VEST,
GEORGE W. GRAHAM,
HENRY SPENCE.

1815 to 1825—William Hardin, Keeper.

[C.]

JAMES WIGHT, TO KENTUCKY PENITENTIARY,

Dr.

For balance of account for convicts' labor, and articles received of agent, up to
25th of December, 1823

\$100 87½

JAMES I. MILES, A. K. P.

COMMISSIONERS OF PENITENTIARY TO AGENT'S OFFICE,

Dr.

November 15, 1823.	For 100 pounds 6d nails, at \$17.....	\$17 00
" " "	For 200 pounds 4d nails, at \$18.....	36 00
" " "	For 200 pounds 10d nails, at \$15	30 00
December 30, 1823.	For 100 pounds 10d nails, at \$15	15 00
" " "	For 100 pounds 6d nails, at \$17	17 00
" " "	For 7 boxes, containing same, at 37½ cents each.....	2 62

\$117 62

JAMES I. MILES, A. K. P.

The Governor, (Desha,) in his annual message to the Legislature of 1824, says:

"The shortness of the period which has elapsed since I came into office has precluded my obtaining that information which is necessary to exhibit to you the state of the penitentiary, of the public hospitals, and seminaries of learning. Whatever may come to my knowledge relative to those institutions, which may seem to be useful to you in the course of your deliberations, shall be cheerfully and promptly submitted."

The following amendment to the act approved 10th December, 1822, was approved 7th January, 1824:

"Be it enacted, &c., That said commissioners, or any of them, appointed under the act of 1822, shall, immediately after the passage of this act, (1824,) contract, on terms which they shall deem most advantageous to the State, with one stone mason and one carpenter, master workmen in their respective professions, for the erection of the number of cells mentioned in the act of 1822, and shall agree with the said workmen, severally, to take charge of any number of convicts deemed requisite and agreed upon by the superintendents, to be designated by the keeper, and to be under his control and correction, to aid and assist said workmen, severally, within the walls of the penitentiary, in erecting said number of cells, &c.

"That the sum of \$5,000 be, and by this act is appropriated, out of any moneys in the treasury, towards defraying the expenses incurred in the erection of said extra cells. Said superintendents, or any of them, shall be empowered to draw at different times, as circumstances may require, upon the treasury, and their drafts must be presented to and recorded by the Auditor, who shall give his warrant upon the treasury for the drafts so presented."

They were further empowered to draw upon the agent of the institution for such amount of articles (not exceeding \$3,000) in his hands as they might be able to use. In case of their paying in advance, and a failure on the part of those employed to fulfill contracts, the commissioners

1815 to 1825—William Hardin, Keeper.

were to become individually liable for such sums. The master workmen were privileged to use as many of the convicts as they chose to contract for with the superintendent.

At the same session of the Legislature it was found absolutely necessary to pass the following act: An act approved November 20, 1824:

"Be it enacted, &c., That the sum of \$500 be appropriated for the purpose of furnishing diet and clothing for the convicts in the penitentiary. The Auditor of Public Accounts shall, from time to time, issue his warrant upon the treasury in favor of the keeper of the penitentiary for any part of said \$500, upon receiving the order of the Governor for that purpose."

The four commissioners received from the treasury the sum of \$2,000 for their services while superintending the improvements mentioned.

[No. 7.]

A statement of the situation of the penitentiary.

MANUFACTURES.

From the 1st of October, 1823, to the 1st of October, 1824, the agent's receipts to the keeper for the various kinds of work amount to	\$14,211 61
The keeper consumed in manufacturing the above articles, raw materials to the amount of.....	5,833 06
Gross profits of manufactured articles	<u>\$8,378 55</u>

The expenses of the institution are as follows:

For contingencies, including the pay of guards, turnkey, clothing, medical services, &c.....	\$5,540 31
For fuel	728 25
For dieting.....	5,751 69

	\$12,020 45
The agent and keeper's salaries, commission, and the pay of an assistant keeper..	<u>2,397 91</u>

Total expenditures.....	\$14,418 36
From which take the above profits of manufactured articles	<u>8,378 55</u>

Which leaves the institution in debt during the year ending on the 1st day October, 1824	<u>\$6,039 81</u>
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THE KEEPER.

He has received from the treasury for the purpose of purchasing raw materials, paying debts, &c., from the 1st of October, 1823, to the 1st of October, 1824	\$12,618 00
Amount due the Commonwealth from the keeper on the 1st day of October, 1824..	1,644 11

Total amount	<u>\$14,262 11</u>
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He has expended in the same period, as enumerated above.....	\$12,020 45
He has expended for raw materials.....	4,549 96

	\$16,569 71
From which take the above amount received	<u>14,962 11</u>

Leaves a balance due from the Commonwealth to the keeper on the 1st day of October, 1824.....	<u>\$2,207 60</u>
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LOANS.

There was due to the government, for loans, on the 1st day of October, 1823.....	\$25,917 85
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Amount carried forward	<u>\$25,917 85</u>
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1815 to 1825—William Hardin, Keeper.

Amount brought forward.....	\$25,917 85
From the above date warrants have been drawn on the treasury for the purpose of purchasing raw materials, paying debts, &c., as stated above	12,618 00
Appropriations have been made, same time, to J. & T. Roche and others, to the amount of	29,373 69
Also, for the payment, in part, of the compensation due to the keeper and agent..	2,822 96

Total \$70,732 50

Paid by the agent to the Treasurer, in the year ending October 1st, 1824, to-wit:

For debts collected, cash sales made, interest and cost collected	\$13,519 24
The loans have been credited this year by part of the keeper and agent's salaries, and commissions	1,559 97
	15,079 21

Due government on 1st of October, 1824 \$55,653 29

RAW MATERIALS.

Raw materials on hand the 1st day of October, 1823	\$3,792 80
Raw materials purchased from the above date to the 1st day of October, 1824....	4,549 26
Total raw materials	\$8,342 06
Deduct raw materials consumed during the year ending 1st of October, 1824	5,833 06
Leaving a balance of raw materials on hand the 1st of October, 1824, of	\$2,509 00

TOOLS, &c.

The amount of tools, and other articles, belonging to the penitentiary, as per report of keeper, is about the same as last year, which amounts to \$1,770 89

SALES.

Manufactured articles sold by the agent, for cash, during the year ending the 1st of October, 1824, amount to the sum of \$6,351 93

THE AGENT.

There was in the hands of the agent, on the 1st day of October, 1823, debts and manufactured articles to the amount of	\$59,641 78
From that period he has been charged with manufactured articles to the amount of	\$14,211 61
Costs received same time	60 70
Interest received same time	56 53
	14,328 84
Total charged	\$73,970 62
He has been credited, in the same period, with costs paid, sub-agents' commission, &c., to the amount of	\$4,363 39
By money paid into the treasury	13,519 24
	17,882 63
Balance standing on the agent's books, as due to government, on the 1st day of October, 1824	\$56,087 99

The general account of the institution was, on the 1st day of October, 1824, as follows:

CREDITS.

By effects in the hands of the agent.....	\$56,087 99
Raw materials on hand	2,509 00
Tools and other articles.....	1,770 89
	\$60,367 88

DEBITS.

Loans due the State	\$55,653 29
Due former agent, balance of account	40 75
Amounts carried forward	\$55,694 04
	\$60,367 88

1815 to 1825—William Hardin, Keeper.

Amounts brought forward	\$55,694 04	\$60,367 88
Due present agent, compensation	129 45	
Due the keeper, on settlement of this year's account	2,307 60	
		58,131 09

Nominal value of the institution..... \$2,236 79

The Auditor of Public Accounts having received information (though not official) from the agent of the penitentiary, in relation to the actual situation of the institution, he therefore deems it necessary to lay before the Legislature the following statement, to-wit:

The effects above stated to be in the hands of the agent, consisting of debts and manufactured articles, to-wit:

Debts	\$33,711 28
Manufactures	22,376 71

Making the total, as above stated

\$56,087 99

It appears, from statements made by the agent, that, out of the above debts standing as due to the State, there cannot be collected more than.....

\$3,500 00

He has accounts standing against government to the amount of.....

17,767 45

The balance of the debt he considers entirely insolvent, which amounts to

12,443 83

Which makes the whole amount of debts, as before stated

\$33,711 28

The manufactures on hand amount to

\$22,376 71

From this amount there may be deducted (with propriety) for old articles that will never sell for anything, about the sum of

3,000 00

Which would reduce the manufactures to.....

\$19,376 71

To which add the above debts which are good.....

3,500 00

Then, instead of \$56,087 99, as stands on the agent's books as due the government, there cannot be calculated upon (with any degree of certainty) effects in his hands more than

\$22,876 71

Taking this view of the subject, the institution stands actually in debt to the government in the sum of

\$30,974 49

PORTER CLAY, Auditor Public Accounts.

The Governor sent to the Legislature the following message and letter:

NOVEMBER 11, 1824.

Gentlemen of the Senate and House of Representatives:

I submit to your consideration a communication lately addressed to me by Wm. Hardin, Esq., Keeper of the Kentucky penitentiary.

JOSEPH DESHA.

FRANKFORT, KY., November 5th, 1824.

DEAR SIR: In your message to the Legislature I discover that you have barely mentioned the penitentiary. On a settlement with the Auditor from the 1st of October, 1821, up to the 1st of October, 1824, there is a balance due me for money advanced at that time of \$2,307 61, for which I have obtained the Auditor's certificate, which is herewith inclosed. My funds and credit are exhausted. The money deposited by the agent in the treasury each week, latterly, is not sufficient to victual the convicts one day. I am therefore without funds to purchase clothing, fuel, victualing,

1815 to 1825—William Hardin, Keeper.

or raw materials for the convicts to work on. Without the immediate interposition of the Legislature, the institution must suffer a considerable loss, and the convicts suffer for the want of victuals, clothes, and fuel.

Respectfully,

WM. HARDIN.

STATE OF KENTUCKY, *Auditor's Office*, Frankfort, November 6, 1824:

I do certify that a balance was due to Wm. Hardin, keeper of the penitentiary, on the 1st day of October last, of \$2,307 60.

Given under my hand the date above,

PORTER CLAY, *Auditor Public Accounts*.

A true copy from the original in the office of the Secretary of State.

P. S. LOUGHBOROUGH, *Assistant Secretary*.

The joint committee appointed for the purpose of receiving and considering propositions which might be presented in relation to the penitentiary, beg leave to make the following report:

That there have been no propositions submitted to your committee other than [those of Messrs. Scott and Hensley, which had been previously examined and considered by a committee of the House of Representatives, except a communication from General Wm. Hardin, the present keeper of the institution. Your committee proceeded to examine and consider the said propositions, to-wit: The bill predicated on the proposition of Mr. Scott, as reported to the House of Representatives by the committee above alluded to, the proposition of Mr. Ben. Hensley, and that of General Hardin, and concur in the opinion that the bill now referred to them, appointing the said Scott the keeper of the penitentiary, is best calculated to promote the interest of the institution.

Your committee would here remark, that they are impressed with a belief that a change in the management of the penitentiary institution is essential, not only with a view of effectuating the objects contemplated by its founders, in punishing and reforming those unfortunate individuals who may so far lose sight of their social and religious duties as to incur the forfeiture of their liberties, but upon principles of economy. When your committee reflect that that institution does not sustain its own expenses, from the number of victims which are immured in it, they are of opinion that there must be some radical error; but whether it be in the laws governing and regulating the institution, or the administration of those laws, they will not attempt to predict. For these reasons, they would recommend the change in the adoption of the proposition of Mr. Scott. Your committee would also suggest that they are not disposed to favor a plan of hiring out the institution and its devoted inmates for a fixed salary, believing that such a course would not be in accordance with the design of its founders, nor compatible with the equitable rules of government, whose only object is, and ought to be, an indemnity from loss, while the offenders atone to that government for the violation of its social order.

Mr. Scott's proposition is, to receive a portion of the proceeds of the institution in lieu of a fixed salary from the treasury and the per centum heretofore allowed the keeper, or either of those funds.

Your committee cannot accede to the proposition of Mr. Hensley, for the above reasons; nor can they approve the one from General Hardin, because it is too indefinite, not stipulating what sum of money would be adequate to sustain or revive the institution. Indeed, neither of the propositions made by those gentlemen were so much in accordance with the views of your committee as the one to which they have herein given their approbation.

Your committee therefore pray to be discharged from the further consideration of this subject.

The Speaker laid before the Senate the following communication from Langston and Charles P. Bacon, to-wit:

FRANKFORT, December 18th, 1824.

To the Honorable Robert B. McAfee, President of the Senate of Kentucky:

SIR: We have for some time had it in contemplation to submit to your body a proposition for the control and management of the penitentiary institution; but the proposition of our friend, Mr. Hensley, induced us to withhold ours until this. From a recent conversation with him, we find there will be no interference. We therefore, through you, submit the following proposal:

We are willing to take it for seven years, and to pay the State \$3,000 per annum, and to be governed by any laws which the State Legislature may think proper to enact upon the subject. We will guard the State against any loss, charge, or expense except from fire, the acts of Providence, and the expense of buildings and machinery, by bond with ample security. The articles we contemplate manufacturing will consist chiefly of cotton bagging, shoes, and iron materials. To carry into effect the first, and we deem the most useful branch to the community, we shall be under the necessity of erecting a suitable building, the walls of which will be of stone, and in dimensions about 200 feet long by 50 wide, and about 8 feet high, the upper part of which to be used for chain spinners, and the lower for looms, &c. The erection of this building and machinery will necessarily be attended with considerable expense, and which we should wish to be valued by competent persons, and taken at said valuation towards the discharge of the first and second years' rent, believing that nearly the year will be consumed in the erection of said building, &c. We would wish the institution to be cleared of all its present manufactured and raw materials, as we would prefer having nothing to do with them. We should, however, need all the tools, &c., an inventory of which should be taken, to be accounted for at the expiration of the term, or at stated periods, at the discretion of your body.

1816 to 1825—William Hardin, Keeper.

We would, moreover, wish the convicts delivered to us comfortably clothed for the approaching inclement season, without which man is destitute of all his energies; and in regard to their treatment, we are willing to be governed as you may dictate. We would respectfully remark, that the present mode of punishment by stripes is in opposition to our ideas of principle, and think that, in the event of a change, the tread-wheel or solitary confinement should be adopted. Should your body deem our proposition worthy of attention, we hold ourselves in readiness to give any further explanation which may be required for the investigation of the subject. The season for putting up the necessary year's provisions is fast wearing away; consequently, we respectfully request a speedy conclusion.

We remain, with sentiments of high regard, yours, &c.,

LANGSTON & CHARLES P. BACON.

Mr. Ewing, from the select committee raised by virtue of a resolution instituting an inquiry in relation to the recent escapes of convicts from the penitentiary, made the following report, to-wit:

The committee appointed for the purpose of inquiring into the cause or causes of the frequent and recent escapes of the convicts from the penitentiary, after having convened for that purpose, proceeded to the penitentiary; and from the view of your committee, aided by such testimony as was deemed satisfactory by the committee, they beg leave to report they are perfectly satisfied that the escapes, mentioned in the resolution to them referred, are not, in the slightest degree, attributable to the neglect of the keeper or guards, but entirely to other causes.

First cause. That the cells in which the convicts are confined at night are wholly insufficient. They are too thin, and composed of very indifferent brick; so much so, that the convicts that escaped were enabled, and aided by a small, thin piece of iron, of about the strength of a case-knife, to penetrate the wall of the cell, and finally to pass through the same; and from the appearance of the wall, this must have been done in a few minutes.

Second. The outer, or principal, stone wall is insufficient. This wall is about six feet too low, and the wooden capping that is erected on the same affords an abundance of facilities to all who are disposed to make a speedy escape over the same. And unless there is some change in the walls and cells, frequent escapes may be expected. The walls and covering are badly constructed and unskillfully built—by reason of which the whole, at present, are sustaining injury. Your committee would briefly state, that all of the convicts who have lately escaped seem to have pursued the same plan in effecting their escape. The last five, aided by the piece of iron aforesaid, passed through the walls of their cell; and while the guard was warming, there being no stove in the watch-tower, the convicts, aided by a joist, a clevis tied to a pole, and a rope, they passed the walls (according to the statement of the guard) in the space of ten minutes. The joist had been

brought into the yard, late in the evening, by the agent of the commissioners, for the purpose of making use of it in building; this joist the convicts placed against the wall, and, having a large clevis tied to a pole, caught the same in the knees that support the covering of the wall, and then drew themselves up by the pole, and then passed down a rope on the outside. The small pole, or withe, was used by the coopers for hooping barrels.

Your committee recommend that a stove be procured and placed in one of the watch-towers, for the use of the guard. Owing to the want of fire in the watch-towers, the guards are compelled to leave their stations to warm; and while they have been warming, the convicts aforesaid have been enabled to effect their escape.

Your committee pray to be discharged from the further consideration of the subject to them referred.

Mr. J. Allen, from the select committee to which was referred the communications from Langston & Charles P. Bacon and William Hardin, in relation to the penitentiary, made the following report thereupon, to-wit:

The committee, to whom was referred the propositions of Messrs. L. & C. P. Bacon, and, also, an additional proposition of Wm. Hardin, in relation to the support and management of the penitentiary, have had both of the propositions under consideration, and have not been able to discover anything in said propositions to induce your committee to report differently from that of the joint committee in relation to this matter; and, therefore, still continue to recommend the proposition of Joel Scott, as delineated in a bill passed by the House of Representatives, and now before the Senate.

Mr. Dudley read, and laid on the table, a joint resolution directing the keeper of the penitentiary to furnish the building commissioners with articles manufactured in said institution; which was thereupon taken up, twice read, and adopted, as follows, to-wit:

WHEREAS, By an act, entitled "An act to enlarge the penitentiary," approved 7th of January, 1824, the commissioners are authorized to draw on the agent for manufactured articles to an amount not exceeding \$3,000, and that contracts were made for a portion thereof which cannot be complied with, in consequence of the resignation of said agent, which office is now vacant: be it therefore

Resolved by the General Assembly of the Commonwealth of Kentucky, That the keeper of the penitentiary be authorized, as far as he can, to pay the order or orders of said commissioners, which they are authorized to make upon the agent by the second section of the said recited act, so far as articles may remain in the care of or under the control of said keeper.

January 8, 1825.—Mr. Denny, from the joint committee raised to investigate the conduct and accounts of the keeper, agent, and building commissioners of the penitentiary, made the following report:

The joint committee raised for the purpose of examining the accounts

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and conduct of the keeper, agent, and building committee of the penitentiary, have had the subject under consideration, and beg leave to report:

That they have examined all the testimony, vouchers, and documents produced and submitted to them; that they are perfectly satisfied from the testimony that the keeper does not deserve the censure cast upon him by a committee, growing out of his purchase of stone work at the auction made by the agent in pursuance of the directions of the act of Assembly. Your committee cannot but conclude that the evidence on this point, which was introduced before them, could not have been heard by the former committee. They find nothing in the conduct of the agent worthy of censure. With respect to the charges against the building committee, your committee have only to say that they acquit them of all blame; they are satisfied with their conduct. At the same time, they do not hesitate to say that they are of opinion, that if the duties to be performed by the building committee had been confided to a single individual, the work might have been completed by October or November last. Your committee have carefully examined the accounts and vouchers of the building committee. They find vouchers to cover all the charges made by the commissioners, and they refer to the accounts, as well as the testimony taken before the committee, as parts of their report.

Your committee conceive that the allowance of \$600, claimed by the building committee for their services, is reasonable. They recommend also an allowance of \$42 to be made to James Wight, one of the committee, for money paid by him, individually, for guards over the convicts, whilst working in the quarry.

JAMES W. DENNY,	} <i>From the Senate.</i>
JAMES ALLEN,	
JEROBOAM BEAUCHAMP,	
JAMES McCONNELL, <i>Ch'man,</i>	} <i>From the House of Representatives.</i>
JACOB A. SLACK,	
WILLIAM GORDON,	
WILLIAM HUNTER.	

In this chapter the history of the institution has been given as fully as it was possible to obtain the information for that purpose from the public documents found in the State library, in the private library of Captain Samuel Daviess, of Harrodsburg, and in the old records found in the State prison. The legislative reports have been copied in full; as also the keepers', agents', and auditors' reports, in order to show, not only the system of management, but the financial results of that system, if system it can be called. The following tables will exhibit the progress of crime, as near as can be, during the first 25 years of the existence of the institution. These tables are not as complete as desired, but as near correct as could be made from the documents consulted. The table giving the names of the prisoners, the counties sent from, their crimes, duration of sentences, &c., is in some respects defective. It shows, however, the number sent to the

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institution from 1815 to 1825, with the duration of their sentences; but, in many cases, the crimes for which they were sent, and the counties sent from, was not recorded by the clerk of the penitentiary, whose duty it was to keep a record of such matters. In the succeeding chapters the history will contain, not only the public documents relating to the management of the institution, but an amount of statistical matter not recorded in this.

The following table will show the number of convicts received during the first 25 years of the institution:

In 1800.....	2
In 1801.....	9
In 1802.....	11
In 1803.....	5
In 1804.....	13
In 1805.....	11
In 1806.....	16
In 1807.....	9
In 1808.....	23
In 1809.....	15
In 1810.....	9
In 1811.....	18
In 1812.....	17
In 1813.....	14
In 1814.....	10
In 1815.....	21
In 1816.....	31
In 1817.....	22
In 1818.....	28
In 1819.....	40
In 1820.....	31
In 1821.....	31
In 1822.....	29
In 1823.....	40
In 1824.....	44
Total in 25 years	<u>503</u>

The following table will show the cost of criminal prosecutions from 1814 to 1820:

1814	\$6,133 13
1815	5,967 72
1816	8,644 50
1817	9,810 54
1818	12,809 29
1819	15,949 83
1820	<u>12,000 00</u>

Similar tables will be found in the succeeding chapters, to the close of this history.

IMPRISONMENT FOR DEBT IN KENTUCKY.

At the November session of the Kentucky Legislature, in the first year of the Commonwealth, 1792, the law of imprisonment for debt was introduced. Said law allowed all persons recovering debt, damages, or costs, by the judgment of any court of record, to prosecute, at their election, writs of *feri facias* and *capias ad satisfaciendum* within the year, for the taking the goods, lands, or *body*, of the person or persons against whom the judg-

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ment was obtained. This law was approved December 20th, 1792, and was in force from its passage. (*See 1 Litt.*, 137.) This law, subjecting the body of the debtor to execution, was in force in Virginia, from whom Kentucky derived it. By the Virginia laws, land was not subject to execution for debt. Kentucky, however, by an act passed 17th December, 1792, made lands liable to the payment of debt. In consequence of this law the writ of *fiery facias*, which ran thus: "you are commanded that of the *goods and chattels*," was changed to run thus: "you are commanded that of the *estate*;" so that lands, tenements, and hereditaments, became subject to the payment of debt.

The debtor, taken in execution by the writ of *ca. sa.*, was to remain in prison until he gave up sufficient property to satisfy the judgment. The prisoner was allowed the benefit of the prison bounds by giving bond, with sufficient security, to the sheriff or other officer in whose custody such prisoner was, that he would not go out of the prison bounds; thereupon, he might go out of prison and return at his pleasure. By the same act, passed December 20, 1792, an insolvent debtor could be discharged, as the law saith, "to prevent the long imprisonment of unfortunate people, which can be no benefit, but may be rather a disadvantage to their creditors," upon petition of the prisoner or prisoners, by any two justices of the peace of the county, by warrant under their hands and seals, requiring the sheriff, jailer, or keeper of the prison, to bring the body of the prisoner before them at the court-house on a certain day, together with a list of the several executions with which he may stand charged in the said jail; such prisoner taking before them the insolvent's oath, familiar to all, and delivering a schedule of his whole estate, thereupon he is discharged; not, however, until he has been twenty days in prison, the law not allowing him the petition until he shall have remained so long in jail.

By an act of the Legislature, passed December 17th, 1796, the justices of every county were empowered and required to lay out the bounds and rules of their respective county prisons, not exceeding ten acres of land, adjoining such prison; which marks and bounds shall be recorded and renewed from time to time, as occasion shall require; and every prisoner not committed for treason or felony, giving good security to keep within said rules, shall have liberty to walk therein out of the prison, for the preservation of his or her health, shall be judged in law a true prisoner. And if the court of any county shall at any time think fit, they are authorized and empowered, at the charge of the county, to cause a ducking stool to be built in such convenient place as they shall direct.

This law of taking the body in execution continued from December 20, 1792, up to December 17, 1821, when it was finally abolished. This act of abolishment ran thus: "An act to abolish imprisonment for debt, and subject equitable interests to execution."

The reason of the law for imprisonment for debt was this: A man might

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have any number of promissory notes in his possession, and they could not be subjected to execution, only *legal* title to property being liable; and for this reason the law gave a person his election of writs, *fiery facias* or *capias ad satisfaciendum*. By choosing the latter, he could thus compel him to discover his *equitable* property, convert it into money, and discharge the debt. It will be seen that the Legislature, when it abolished imprisonment for debt, made *equitable* interests subject to execution by the same act, thus arriving at the same results that imprisonment of the body designed.

This was the last remnant of barbarism left on the statutes of Kentucky, and the only wonder is, how or why it was permitted to remain so long.

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Alphabetical List of Convicts sent to the Penitentiary from 1815 to 1825; showing the Crimes, Counties sent from, Pardons, Deaths, Duration of Sentence, and Escapes, as far as the records exhibit such facts. This list is believed to be correct so far as the names of the Convicts are concerned, the duration of their sentences, the number pardoned, escaped, and died; but there was no complete record kept of the character of their Crimes, and the Counties sent from, hence the number of blanks under the two latter heads. The frequent change of Keepers, Agents, and Clerks, with the wretched management of the Institution during this decade, will account for these defects.

Names.	Crimes.	County.	Year.	Duration of Sentence.	Pardons, Deaths, & Escapes.
Alexander, Argus	Felony	Knox	1815	2 years.	
Alexander, Jesse	Felony	Knox	1815	2 years.	
Allen, James	Counterfeiting	Montgomery	1817	2 years.	
Allen, J.	Larceny	Breckinridge	1818	1 year.	
Austin, Nathaniel	Felony	Pulaski	1818	2 years.	
Allen, Andrew			1818	2 years	2 indictments. Pardoned.
Alsop, Thomas			1819	1 year	Pardoned.
Atherton, Thomas			1819	2 years	Pardoned.
Anderson, Robert			1819	2 years.	
Austin, Nathaniel			1821	1 year.	
Adams, James			1823	4 years.	
Blackburn, William	Felony	Bracken	1815	2 years	Pardoned.
Barkwell, Jo.	Bigamy	Boone	1815	3 years	Escaped.
Borin, Thomas	Felony	Logan	1816	2 years and 1 day.	
Bassel, f. m. c.	Felony	Jefferson	1821	1 year.	
Barnett, Samuel	Felony	Hopkins	1816	1 year.	
Barnett, H.	Felony	Henderson	1816	7 years	Pardoned in 1820.
Bates	Felony	Garrard	1816	1 year and 9 months.	
Barbadoes, Andrew	Larceny	Campbell	1816	1 year and 9 months.	
Bray, John			1818	6 years	Pardoned in 1822.
Barmon, John			1818	3 years.	
Bailey, J. B.	Counterfeiting	Henderson	1818	4 years	Escaped in 1819.
Barker, R. E.	Felony	Henderson	1818	3 years	Pardoned in 1820.
Beauchamp, Samuel			1819	5 years.	
Bell, William			1820	7 years	Pardoned in 1820.
Ballard, John			1820	2 years	Pardoned in 1820.
Boutell, William			1820	2 years.	
Bash, Thomas			1822	6 years	Pardoned in 1823.
Barnett, John	Murder	Gallatin	1823	6 years.	

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ALPHABETICAL STATEMENT—Continued.

Names.	Crimes.	County.	Year.	Duration of Sentence.	Pardons, Deaths, & Escapes.
Bartlett, E.	.....	.....	1823	4 years	Escaped in 1824.
Bamont, George	.....	.....	1823	4 years.	
Bannister, Henry	.....	.....	1823	2 years.	
Boling, Eli	.....	.....	1823	4 years.	
Beard, David	.....	.....	1823	1 year and 3 months.	
Boggess, V.	.....	.....	1823	1 year	
Briant, John	.....	.....	1823	4 years	Pardoned.
Black, Andrew	Felony	Jefferson	1824	1 year.	Pardoned.
Burks, William	.....	.....	1824	2 years.	
Beckerts, James	.....	.....	1824	6 years	Pardoned.
Collett, O.	.....	.....	1815	6 years.	
Cousins, Samuel, f. m. c.	Murder	Knox	1816	1 year.	
Canley, James	Felony	Mercer	1816	2 years	Pardoned.
Cæsar, Julius, f. m. c.	Larceny	Campbell	1816	1 year	Died in 1817.
Chorn, Eb	Larceny	Fayette	1817	4 years	Pardoned.
Cousins, Dan.	Murder	Clarke	1817	2 years.	
Cope, George	.....	.....	1818	5 years	Pardoned.
Clark, Henry	.....	.....	1818	5 years	E-scaped.
Carter, Polly	.....	.....	1819	10 years	Pardoned.
Cox, Jo.	.....	.....	1820	4 years	Pardoned in 1821.
Clark, Reuben	Passing counterfeit money	Floyd	1820	2 years	Pardoned.
Cousins, Sam.	Larceny	Fayette	1820	2 years and 6 months.	
Compton, And.	.....	.....	1821	1 year and 6 months.	
Collins, Robert	.....	.....	1821	2 years and 6 months.	
Choat, Richard	.....	.....	1821	4 years.	
Cochran, John	.....	.....	1821	2 years.	
Coon, Charles	.....	.....	1821	2 years.	
Conkins, D. G.	Counterfeiting	Boone	1821	1 year	Pardoned.
Carrol, Hugh	Felony	Bath	1821	4 years	Pardoned in 1825.
Carrol, And.	Felony	Bath	1821	4 years	Pardoned in 1825.
Carr, Aug.	Felony	Jefferson	1821	1 year.	
Coe, Aug.	.....	.....	1823	1 year.	
Cooley, Thomas	.....	.....	1823	4 years.	
Cousins, Sam.	Felony	Jefferson	1824	2 years	Third term.
Cooksey, Warren	Hog stealing	Warren	1824	2 years	Pardoned.

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ALPHABETICAL STATEMENT—Continued.

Names.	Crimes.	County.	Year.	Duration of Sentence.	Pardons, Deaths, & Escapes.
Gibson, John, f. m. c.	Larceny	Fayette	1817	2 years.	Pardoned.
Gore, James	Perjury	Barren	1817	2 years	
Green, Robert			1819	1 year and 10 days.	
Gales, B.	Felony	Boone	1819	3 years.	
Gent, Ob			1819	4 years.	
Good, Thomas	Horse stealing	Boone	1819	5 years	Died in 1821.
Gibb, Jeremiah			1820	2 years	Pardoned.
Green, Robert			1823	4 years.	
Garison, John			1823	4 years	Escaped in 1824.
Hardick, John	Horse stealing	Madison	1816	4 years	Pardoned in 1817.
Hynes, John	Felony	Christian	1816	10 years	Escaped in 1817.
Hunt, Hackney	Murder	Lincoln	1816	3 years and 6 months	Died in 1818.
Harris, Charles	Larceny	Campbell	1816	1 year and 3 months.	
Humphreys, William	Felony	Pulaski	1816	7 years	Escaped in 1817.
Hawkins, James			1817	1 year.	
Hicks, Charles	Felony	Christian	1817	2 years.	
Halfield, Wm.			1818	6 years	Pardoned in 1822.
Hardin, Savel			1818	2 years	Pardoned.
Hamilton, Pat.	Felony	Bourbon	1818	1 year.	Pardoned in 1820.
Harney, Sam.			1819	2 years	
Henry, Wm.			1819	1 year and 10 months.	
Hoetler, J. W.			1819	1 year and 1 day.	
Hardin, B.	Felony	Pendleton	1819	2 years.	Died in 1821.
Hean, Fleming			1820	5 years	
Humphrey, David			1820	1 year.	
Hunt, John			1821	1 year.	Pardoned.
Haley, John			1821	3 years	Pardoned.
Hall, Wm.			1821	3 years	Pardoned in 1821.
Harney, Samuel			1821	4 years	Escaped.
Hardman, William			1821	8 years.	
Hughes, Wm.	Murder	Owen	1822	2 years.	
Hill, Is.	Selling free negro	Jefferson	1822	5 years.	
Henderson, Peter			1823	4 years.	
Hutchings	Felony	Scott	1823	2 years.	
Harris, Ben.			1823	4 years	Escaped.

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Hoss, John.	-----	-----	-----	1823	2 years.		
Haley, James.	-----	-----	-----	1823	1 year.		Pardoned in 1828.
Hall, John	-----	-----	Bath	1824	5 years		
Hardin Wm.	-----	-----	Shelby	1824	6 years.		
Hodges, James	-----	-----	-----	1824	4 years.		
Jackson, Samuel	-----	-----	Clarke	1816	4 years		Pardoned.
Jones, Wm.	-----	-----	Bracken	1817	2 years and 4 months		Escaped.
Isler, Gasper	-----	-----	Breckinridge	1817	1 year and 1 day		Escaped.
Johnson, George	-----	-----	Green	1818	5 years		Pardoned in 1821.
Justice, John	-----	-----	Fayette	1818	3 years		Pardoned in 1821.
Johnson, John	-----	-----	Christian	1818	1 year and 1 month.		
Jackson, Zeph.	-----	-----	Franklin	1817	2 years		Pardoned in 1819.
Johnson, Thomas R.	-----	-----	Logan	1817	17 years		Pardoned in 1824.
Johnson, James.	-----	-----	-----	1819	6 years		Pardoned in 1820.
Jackson, Andrew	-----	-----	-----	1819	4 years		Escaped.
Jones, alias Alexander	-----	-----	-----	1821	6 years.		
Johnson, James T.	-----	-----	-----	1819	3 years.		
Jones, William	-----	-----	Fleming	1819	6 years and 7 months		Pardoned in 1825.
Jackson, James	-----	-----	-----	1821	3 years.		
Jameson, John	-----	-----	Barren	1822	4 years.		
Johnston, Ed.	-----	-----	-----	1823	4 years		Killed by Bradley.
Jones, Samuel	-----	-----	-----	1824	3 years.		
Johnston, Anderson	-----	-----	-----	1824	5 years		Pardoned in 1827.
King, John	-----	-----	Hardin	1815	2 years.		
Karrick, James	-----	-----	Scott	1816	4 years		Died in 1817.
Kimmell, B.	-----	-----	Logan	1816	4 years		Pardoned in 1818.
Kerr, T. H.	-----	-----	Casey	1816	7 years		Pardoned in 1818.
Kyle, John, alias Henderson	-----	-----	-----	1819	6 years		Escaped.
Kidner, Jacob	-----	-----	Garrard	1819	4 years		Died in 1819.
Kennady, Peter	-----	-----	-----	1821	2 years.		
Kendall, Wm.	-----	-----	Shelby	1822	4 years		Pardoned.
Kelley, Daniel	-----	-----	Shelby	1822	4 years		Died in 1824.
Kimball, Moody	-----	-----	-----	1823	1 year.		
Lambert, Abr'm	-----	-----	Hardin	1817	1 year.		
Lyon, George	-----	-----	Campbell	1818	3 years.		
Long, Caleb	-----	-----	Henderson	1819	4 years		
Laroke, John	-----	-----	-----	1819	4 years.		
Lynch, E.	-----	-----	-----	1821	4 years.		
Loyd, John	-----	-----	Fayette	1822	2 years		Pardoned.
Lee, Ephraim	-----	-----	Logan	1822	4 years		Pardoned.
Londire	-----	-----	-----	1823	1 year		Pardoned.
Louderback	-----	-----	Shelby	1823	2 years.		

1815 to 1825—William Hardin, Keeper.

ALPHABETICAL STATEMENT—Continued.

Names.	Crimes.	County.	Year.	Duration of sentence.	Pardons, Deaths, & Escapes.
Lewis, Zach.	-----	-----	1823	4 years	Pardoned in 1825.
Lewis, George	-----	-----	1824	1 year	Died in 1825.
Murphy, Phil.	-----	Hardin	1815	3 years	Escaped; retaken.
McMillan, Jo.	-----	Madison	1816	2 years	Pardoned.
Mosely, M.	-----	Knox	1816	2 years.	-----
Morlan, Jas.	-----	Allen	1817	4 years.	-----
Monger, And.	-----	-----	1819	4 years	Escaped; retaken.
McCallister, Wm.	-----	-----	1819	3 years.	-----
Maxwell, John.	-----	-----	1820	2 years	Pardoned.
McLain, E.	-----	-----	1820	1 year	Pardoned.
McKinney, S. H. D.	-----	-----	1820	3 years.	-----
Maboney	-----	-----	1820	3 years.	-----
Merrit John	-----	-----	1820	3 years.	-----
Mann, Newberry	-----	-----	1820	3 years.	-----
Murphy, John	-----	Clark	1821	6 years	Pardoned.
McClure, Daniel	-----	-----	1822	4 years	Escaped.
McClester, F.	-----	-----	1822	4 years.	-----
Martin, Joseph	-----	-----	1822	5 years.	-----
Miller, John F.	-----	Woodford	1822	4 years	Pardoned.
Marshall, Wm.	-----	Clay	1822	4 years	Pardoned in 1825.
Minter	-----	Woodford	1822	4 years.	-----
Mercer	-----	-----	1822	2 years.	-----
Maria, f. m. c.	-----	Jefferson	1822	2 years.	-----
Massey, Thomas	-----	Fleming	1822	4 years	Escaped;—retaken;—Par-
Moslander, S.	-----	Madison	1822	5 years and 8 months.	[doned.
McCumsey, R.	-----	Woodford	1823	4 years	Pardoned in 1823.
Martin, Thomas	-----	-----	1823	3 years	Pardoned in 1825.
Masson, D., f. m. c.	-----	Fayette	1824	1 year.	-----
Miller, f. m. c.	-----	Fayette	1824	1 year.	-----
Mitchell, S.	-----	Jefferson	1824	3 years.	-----
Moon, Elisha	-----	Warren	1824	6 years and 6 months.	-----
McDonald, A.	-----	-----	1824	2 years.	-----
McLain, H.	-----	-----	1824	2 years.	-----
Marian, Jas.	-----	-----	1824	4 years	Pardoned.
Morrison, Daniel	-----	-----	1824	2 years	Escaped; retaken.

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Mills, Hiram	Felony	Mercer	1824	2 year.		
Nowlen, Phil	Cow stealing	Union	1816	1 year and 6 months.		
Newton, Isaac	Felony	Livingston	1817	2 years.		
Norris, Jesse	Horse stealing	Fayette	1819	1 year.		
Nixon, George	Horse stealing	Fayette	1821	1 year.		
Neff, alias Jacob Naine	Horse stealing	Fayette	1822	8 years	Escaped;—retaken;—died [in 1830.	
Nixon, George			1824	4 years.		
Neavis, Daniel			1824	2 years.		
O'Neal	Stealing fiddle	Logan	1815	3 years.		
Payne, James B.	Felony	Logan	1815	2 years and 6 months.		
Porter, Claib, f. m. c.	Horse stealing	Madison	1816	4 years.		
Piercefield, Wm.	Felony	Mercer	1816	5 years.		
Patterson, Mike	Burglary	Nelson	1817	3 years	Pardoned.	
Pucket, alias Johnson	Felony	Jefferson	1819	1 year.		
Phipps, John			1819	2 years.		
Potts, Thomas			1819	4 years	Second term.	
Payne, alias Holly			1820	4 years	Pardoned in 1820.	
Poss, Dorris			1820	6 years.		
Perry, Thomas			1820	1 year.		
Pell, alias Poll	Horse stealing	Clay	1822	4 years	Escaped.	
Patterson, Mike	Horse stealing	Woodford	1823	4 years.		
Philpot, E.	Felony	Hardin	1824	6 years.		
Potter, John			1824	2 years.		
Penn, Joshua			1824	5 years	Escaped; retaken; escaped	
Pulasky, Wm.	Felony	Rockcastle	1818	3 years and 1 day.		
Ross, T. J.	Murder	Franklin	1818	2 years		
Ranadall, Wm			1818	2 years	Pardoned in 1819.	
Runnells			1820	1 year.		
Robertson, Addison			1821	4 years.		
Robertson, Joseph	Larceny	Gerrard	1821	2 years	Pardoned in 1822.	
Rogers, John			1823	1 year	Pardoned.	
Read, Robert C.			1823	1 year and 3 months.		
Rowe, Wm.			1823	9 years		
Reed, John	Felony	Mercer	1824	2 years and 6 months.	Pardoned in 1825.	
Ray, Wm.	Felony	Jefferson	1824	2 years	Pardoned in 1826.	
Russell, Pat	Felony	Jefferson	1824	4 years.		
Rae, f. m. c.			1824	1 year	Second conviction.	
Rogers, Wm.			1824	1 year.		
Slavey, Anderson			1816	2 years	Pardoned in 1825. [done.	
Strickler, E.	Forgery	Fayette	1815	4 years	Escaped;—retaken;—Par-	
Stringfellow, Jas.	Horse stealing	Clarke	1816	6 years	Escaped; retaken; Pard'd.	
Sullivan, Wm.	Murder		1816			

1815 to 1825—William Hardin, Keeper.

ALPHABETICAL STATEMENT—Continued.

Names.	Crimes.	County.	Year.	Duration of sentence.	Pardons, deaths, & escapes.
Sturgeon, E.	Horse stealing	Scott	1816	4 years.	
Smiley, Henry	Perjury	Shelby	1817	2 years	Pardoned in 1819.
Shirk, John	Burglary	Lincoln	1817	1 year and 2 months.	
Salaman, Phil	Murder	Bracken	1817	2 years	Escaped.
Skune, M.	Burglary	Knox	1817	3 years	Pardoned in 1817.
Stanger, Jacob	Murder	Madison	1818	2 years.	
Spong, John	Counterfeiting	Floyd	1818	1 year.	
Smith, Ewd.	Felony	Boone	1818	3 years.	
Scott, Wm.			1818	1 year and six months.	
Sotherton, Henry			1819	2 years.	
Smith, Wm.			1820	3 years	Pardoned in 1821.
Smith, Wilford.			1820	1 year	Pardoned.
Stafford, Samuel			1820	2 years	Pardoned.
Stowers, Sally			1821	2 years	Pardoned in 1821.
Stanton, Thomas			1821	2 years	Pardoned.
Stoker, J. H.	Horse stealing	Nicholas	1821	4 years.	
Slavens, John			1823	4 years.	
Spencer, Moses			1823	7 years.	
Smith, Jacob			1823	1 year	Pardoned.
Smith, Wm.			1823	1 year.	
Stevens, John			1823	4 years.	
Scott, David			1823	1 year	Pardoned.
Stevenson, James			1823	4 years	Pardoned.
Sterman, Wm			1823	1 year	Pardoned.
Spears, Ewd.			1824	3 years.	
Shammel, Z.			1824	4 years	Pardoned in 1825.
Terry, Jephtha			1815	1 year.	
Tulford, A. H.	Felony	Clay	1815	2 years.	
Thompson, James	Felony	Livingston	1819	2 years	Pardoned in 1820.
Thompson, A. K.			1819	6 years.	
Toney, Prior			1819	4 years	Pardoned in 1821.
Thurman, Wm.			1820	4 years	Escaped.
Tramele, Peter			1821	4 years	Pardoned in 1822.
Thornton, George			1823	3 years.	
Tonnell, Joseph			1823	4 years	Pardoned in 1825.

1815 to 1825—William Hardin, Keeper.

Thompson, Daniel	-----	-----	-----	1824	2 years.	-----	Second conviction.
Thrasher, Samuel	-----	-----	-----	1824	2 years.	-----	-----
Venable, Wm.	-----	-----	Warren	1815	2 years and 1 day.	-----	-----
Vain, Jas	-----	-----	-----	1818	1 year	-----	-----
Vallandigham, Daniel	-----	-----	-----	1824	4 years.	-----	Escaped in 1817.
Wilson, James	-----	-----	Logan	1815	4 years	-----	-----
Whitemarsh, Jo	-----	-----	Livingston	1815	1 year and 6 months.	-----	-----
Wilson, John	-----	-----	Fayette	1816	5 years.	-----	-----
Williams, Moses	-----	-----	Jefferson	1816	2 years.	-----	-----
Welch, David	-----	-----	Hopkins	1817	6 years and six months.	-----	-----
Wilder, Reason	-----	-----	Knox	1817	4 years.	-----	-----
Williams, Milton W.	-----	-----	Woodford	1818	2 years.	-----	-----
Walker, Thomas	-----	-----	Jefferson	1819	1 year.	-----	-----
Watson, Mike	-----	-----	Wayne	1819	1 year.	-----	-----
Walt, John A.	-----	-----	-----	1819	3 years.	-----	-----
Wilcox, Len	-----	-----	Warren	1819	2 years.	-----	-----
Woodback, J	-----	-----	-----	1819	2 years.	-----	-----
Wilkins, Wm.	-----	-----	Warren	1820	1 year.	-----	-----
Walker, Wm.	-----	-----	-----	1829	4 years	-----	Pardoned.
Whitney, Alex	-----	-----	-----	1820	1 year	-----	Pardoned.
Wilkinson, Jacob	-----	-----	-----	1820	1 year.	-----	-----
Williams, Moses	-----	-----	-----	1820	7 years	-----	Pardoned
Williams, John	-----	-----	Jefferson	1822	3 years.	-----	-----
Walker, George	-----	-----	Jefferson	1822	1 year.	-----	-----
Wyatt, Jasper	-----	-----	-----	1824	1 year	-----	Pardoned.
Wyatt, Augustus	-----	-----	-----	1824	1 year	-----	Pardoned.
Warren, And.	-----	-----	-----	1824	2 years	-----	Died in 1824.
Williams, Thomas	-----	-----	-----	1824	1 year.	-----	-----
Warfield, G. C.	-----	-----	-----	1824	6 years.	-----	-----
Young, Abner	-----	-----	-----	1819	4 years	-----	Pardoned in 1822.

Total number of convicts received from 1815 to 1824, inclusive, 324.

Of the above list, there are one hundred and sixty-two whose crimes are not recorded; nor is there any record to show from what counties they were sent. Of the whole number of convicts received into the institution, from 1800 to the close of the year 1824, one hundred and thirty-one received executive clemency by pardon, and were discharged from confinement; some after serving only a short portion of their sentences, but the majority of them only a few days before the expiration of the term of their sentences. This restored them to citizenship. Nineteen deaths occurred during the same time; that is, in 25 years. The particular form of disease is not given, nor was there any regular medical record kept in the institution. Sixty-one escapes of the inmates occurred, most of whom were retaken; and in many cases the same convict escaped several times.

 1815 to 1825—William Hardin, Keeper.

GEN. WILLIAM HARDIN.

General William Hardin, the sixth keeper of the Kentucky penitentiary, was born August 3d, in the year 1781, in a stockade fort, at or near what is now the town of Hardinsburg, the county seat of Breckinridge county, Kentucky. The grandfather of Gen. Hardin, Col. John Hardin, was a native of Fauquier county, Va., but was taken by his father, when about twelve years of age, to George's creek, on the Monongahela, in the State of Pennsylvania, near where the city of Pittsburg now stands. Here young Hardin spent the early days of his life in hunting, and soon became very expert in the use of the rifle. In 1774 he served as ensign in a military company, and accompanied Gov. Dunmore in an expedition against the Indians. In the ensuing fall he was in another expedition under Captain Morgan, and was severely wounded during an engagement with the Indians. From this wound he recovered, and was with Dunmore in another attack upon the Indian towns. After peace was made he came to Kentucky, about the year 1780, and entered lands on treasury warrants for himself and some of his friends. In 1786 he removed his wife and family to Nelson, afterwards Hardin county, Ky. He took a very prominent part in various skirmishes with the Indians after his removal to Kentucky, and was engaged in one or more expeditions against them on the Wabash. In the spring of the year 1792 he was sent by General Wilkinson with overtures to the Indians, and when near one of the Miami villages, while encamped for the night, was murdered by the savages, (Collins' history of Kentucky,) being then about 97 years of age. Captain William Hardin, the son of John Hardin, and the father of the subject of this sketch, was "a noted hunter and Indian fighter—a man of dauntless courage and resolution—cool, calm, and self-possessed in the midst of most appalling dangers, and perfectly skilled in all the wiles and arts of border warfare." He built a station or stockade fort at or near where the town of Hardinsburg now stands, and entered large tracts of land; most of which he gave away to induce others to settle near him. It was in this fort that Gen. William Hardin was born, and it is believed by his friends that he was the third white male child born in Kentucky. The condition of the country at that time was such as to force old and young to be familiar with scenes of danger and excitement. The use of the rifle was of more importance than books and other means of acquiring knowledge, and hence it was that so few received the advantages of a polished education. The limits of this sketch forbids a lengthy detail of the events of his life, and reference to only the most important will be made. No event of his boyhood occurred worthy of note, and it was not until the breaking out of the war of 1812 that we find him actively engaged in public duty. He took an active part in that war, serving a campaign in the staff of Gen. Hopkins, and was with that officer in several battles. After the termination of the war of 1812–15, he was elected to the Legislature from his county repeatedly; serving altogether in the lower House four years, and in the Senate a like number of years. He was at that day a decided politician, and was the warm and efficient friend of General, afterwards Governor, Adair; from whom he received the appointment of keeper of the penitentiary, after the election of that gentleman to the office of Governor of Kentucky. This office he held until the year 1825, when he was superseded by Mr. Joel Scott. After retiring from this position he held no public trust until 1841, when he was appointed Postmaster at Frankfort by Gov. Charles A. Wickliffe, then Postmaster General. This office he held until after the election of President Polk, in 1844. He died in the city of Louisville in 1850, aged about 70 years. He was own cousin to Hon. Ben. Hardin and the Wickliffes, and related by blood or marriage to other distinguished families in Kentucky. Like his ancestors, he was a stranger to fear, and was possessed of that firmness and decision of character necessary to the management of the class of men sent to the penitentiary at the time he had control of it.

The profits arising from the institution at that day were small, and his portion was barely sufficient to support his family, which was then quite large. Like many of the pioneers of our State, he failed to acquire property when it was cheap and easily obtained, and when age and the cares of a large family grew upon him, he was without the means necessary to make him independent.

In all the trusts confided to him as a public officer, he discharged his duties faithfully, and left a reputation untarnished.



2ND LIEUTENANT ARNOLD

1825 to 1834—Joel Scott, Keeper.

CHAPTER IV.

1825 TO 1834—JOEL SCOTT, KEEPER.

The proposition of Mr. Scott having been accepted by the Legislature, he recovered the appointment of keeper under the provisions of the following act, approved 10th January, 1825:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the first day of February next, so much of all and every act or acts as authorizes the appointment of a keeper and agent of the penitentiary, by the Governor, be, and the same is hereby, repealed.

§ 2. *Be it further enacted*, That from and after said first day of February next, Joel Scott, of Scott county, be, and is hereby, appointed keeper and agent of said penitentiary, to have the whole and sole management thereof, and to continue in office, as such, until the first day of February, 1832, subject, however, to removal by the Legislature, whenever, in their opinion, said Scott shall fail to manage said institution in such manner as the interest of the State may require.

§ 3. *Be it further enacted*, That Reuben Anderson, George W. Graham, and Joseph Smith, be appointed to take an inventory of all the manufactured articles and raw materials belonging to said penitentiary, and to fix thereupon such prices as in their judgment they will sell for in the currency of the country; which inventory and appraisement shall be made as aforesaid, on or before said first day of February next, signed by said Anderson, Graham, and Smith, and lodged in the office of the Auditor.

§ 4. *Be it further enacted*, That there shall be advanced to said Joel Scott, out of the first sale or sales of raw materials or manufactured articles in the penitentiary, the sum of six thousand dollars in currency; on which sum the said Scott shall pay an annual interest of six per cent., to be computed from and after the first day of January, 1826, and paid annually thereafter; and it shall be the duty of said Scott, at the expiration of the time he may continue as keeper aforesaid, to refund and pay into the treasury the said six thousand dollars, with the interest due thereon, in the then currency of the State: *Provided, nevertheless*, That said Scott may return said advance, with interest as aforesaid, at any earlier period.

§ 5. *Be it further enacted*, That the commissioners appointed by this act shall take an inventory of the tools belonging to the penitentiary, and an appraisement thereof; that the same shall be delivered to said Scott, who shall receipt for the same, which receipt shall be filed with the Auditor of Public Accounts; which tools said Scott shall take charge of for the use of said institution.

§ 6. *Be it further enacted*, That it shall be the duty of said Scott to superintend said institution, and employ the convicts therein at hard labor, and in every respect treat them in such manner as will promote, as far as possible, the objects of the founders of the institution, and answer the benevolent expectations of the public; and, in order to reform the refractory, it shall be lawful for said keeper to inflict such punishment, either by solitary confinement or otherwise, as may be reasonable and best calculated to effect the object.

§ 7. *Be it further enacted*, That it shall be the duty of the said Scott to employ not less than four suitable persons as a guard for the safe-keeping of said convicts: *Provided, nevertheless*, That no person shall be employed as such, unless by the approbation of the Governor.

§ 8. *Be it further enacted*, That it shall be the duty of said Scott to employ one or more fit persons as clerks, whose duty it shall be to keep a true and faithful account of all the expenditures and income of said institution, and to make a just report thereof, when thereto legally required: *Provided*, That no person shall be appointed as clerk aforesaid, without the approbation of the Governor, nor shall any person act as clerk aforesaid, without having previously taken an oath impartially and faithfully to discharge the duties of clerk of the penitentiary.

§ 9. *Be it further enacted*, That said Scott shall be at liberty to erect in said institution, such machinery for the manufacture of wool, cotton, or other articles, as he may deem best calculated to promote the interest of said institution, and for such purposes the labor of said convicts may be employed: *Provided*, All machinery so erected, shall, at the expiration of the time said Scott may continue as keeper and agent aforesaid, be the sole and entire property of the State.

§ 10. *Be it further enacted*, That it shall be the duty of said Scott, annually, and during the first week of the session of the Legislature, to render a just account of said penitentiary concern, and to keep his books and accounts at all times open for the inspection of the Legislature, or such person or persons as may from time to time be appointed for their examination.

§ 11. *Be it further enacted*, That it shall be the duty of said Scott to take upon himself the whole management and expense of said institution; to procure the raw materials for manufacture; to dispose of all articles manufactured in said institution, in such manner as he may deem best for the interest thereof; to provide for clothing and victualing the convicts, for their guard and safe-keeping, and to defray all other expenses incident to the management and well-being of said institution.

§ 12. *Be it further enacted*, That said Scott shall receive as a compensation for his services in the management of said institution, one half of the net profits thereof, after deducting the six thousand dollars to be advanced the State.

1825 to 1834—Joel Scott, Keeper.

§ 13. *Be it further enacted*, That in the event of the removal or death of said Scott, he or his representative, as the case may be, shall be entitled to one moiety of the net profits of said institution, which may at such time have accrued, after deducting the said sum as provided in the twelfth section of this act; and provided, that in no event, in estimating the net profits of said institution, shall any machinery erected by said Scott, in said institution, be taken into the account; but the same, as herein provided, to be the sole property of the State.

§ 14. *Be it further enacted*, That before said Scott shall enter upon the discharge of his duty as keeper and agent of said institution, he shall take the following oath: I, Joel Scott, do solemnly swear, that I will faithfully and impartially discharge the duties of keeper and agent of the penitentiary, according to law. And that the said Scott shall also enter into bond, in the office of the Secretary of State, with five or more securities, to be approved of by the Governor, in the penal sum of fifty thousand dollars, payable to the Commonwealth of Kentucky, conditioned that he will faithfully perform the duties of keeper and agent of the penitentiary, according to law, and perform all duties imposed by this act, and to refund the six thousand dollars, as provided by this act to be advanced by the State, with interest; and that he pay into the treasury, from time to time, such portion of the profits of said institution as may be due to the State, and also all other moneys which may, from time to time, be in his hands, belonging to the State; which bond shall be filed with the Auditor, and may be sued upon, on behalf of the Commonwealth, as often as the condition thereof shall be violated.

§ 15. *Be it further enacted*, That in the event of the death of said Scott, or his refusal to qualify and give bond agreeable to the provisions of this act, it shall be the duty of the Governor to appoint a keeper and agent of the penitentiary, who shall be, in all respects, governed by the laws now in force regulating the duties of keeper and agent of the penitentiary, and shall continue in office until the end of the next session of the Legislature, unless otherwise provided by law.

§ 16. *Be it further enacted*, That all laws coming within the purview of this act, be, and the same are hereby, repealed.

§ 17. *Be it further enacted*, That the commissioners appointed by virtue of this act, shall not value any of the building materials now on hand; but the said Joel Scott shall receive the same, and complete all the unfinished buildings in said penitentiary, which are to be considered as expenditures out of said institution.

§ 18. *Be it further enacted*, That the Auditor, Treasurer, Register, and Attorney General, be, and they are hereby, appointed a board of visitors, whose duty it shall be to visit the penitentiary as often as they may deem expedient, and at least once in each month, and make examination of the state of the institution, the health of the convicts, the manner of

them, the cleanliness of the dormitories and cells, and the treatment of the convicts generally, and make such memoranda and observations as will enable them to report to each successive Legislature their opinion as to the management and government of the institution.

§ 19. *Be it further enacted*, That the exercise of the right of reprieve or pardon by the Governor, shall not, at any time, be considered by said Scott as a violation of the provisions of this act: *Provided, however*, That if the one half of the profits of said institution shall in any year fall short of the sum of one thousand dollars, the said Scott shall make up the deficiency, so as to guarantee a clear profit of at least one thousand dollars per annum to the State, after the first year; and the bond to be executed by said Scott shall contain a clause binding him to comply with the requisitions of this proviso.

§ 20. *Be it further enacted*, That when any convict, who has been confined in the penitentiary, shall be discharged therefrom, the keeper of the penitentiary shall pay to said convict the sum of five dollars; which sum shall be paid out of the profits of the institution accruing to the State.

The change in the mode of managing the institution, made by the Legislature, was one of absolute necessity, and both judicious and advantageous at the time. The selection of Mr. Scott as keeper was fortunate to the State, as he was eminently qualified for the position. He was then in the prime of life, having had considerable experience in business, and was a man of sterling integrity, great firmness, and of indomitable perseverance. It will be perceived from the reports which follow, that a decided change for the better soon occurred, and that from thence to the end of his term, the fiscal and disciplinary affairs of the institution continued to improve, and to meet the purposes for which the institution was created.

The extension of the walls recently made, and the increase of the area within the same, afforded Mr. S. a favorable opportunity for making such improvements within the yard as were subsequently needed, and which were made within the first and second years of his administration.

The following is Mr. Scott's first annual report:

"To the Speaker of the House of Representatives:

"DEAR SIR: Permit me through you to lay before the House of Representatives the following communication and report, to-wit:

"Agreeable to an act passed on the 10th day of January last, appointing me keeper of the Kentucky penitentiary, and authorizing me to take charge of the institution, I entered on the duty of my station. At the time I undertook the management of the institution, I found belonging to it eighty-four convicts, in a most destitute and deplorable condition, filthy and diseased, and all of them so bare of clothing as to be wholly unfit for any mechanical occupation.

"It was my impression that the convicts were to have been turned over to me at least comfortably clothed, and I presume they would have been

1825 to 1834—Joel Scott, Keeper.

so, but the former keeper, General Hardin, informed me that he had not been furnished with the means by the public, and consequently no imputation of neglect could attach itself to him.

"After clothing the convicts, (and I was compelled to clothe them before they could be of any kind of utility to me or the State,) I proceeded to make such improvements as I conceived to be of a valuable character.

"The railed walk on the wall I caused immediately to be pulled down, as it afforded so many facilities for escape. I next proceeded to clean up the yard of the penitentiary, which was much encumbered with the refuse of the raw materials, and with filth of all kinds. I have also finished the buildings, and made such other alterations as seemed best calculated to enable me to prosecute my views by making such machinery as I thought most advisable.

"Accompanying this communication I submit to your honorable body a sketch of the different kinds of machinery erected, and of other improvements made by me, and to complete which not less than one third of the hands were busily employed.

"It gives me much satisfaction to be able to say that the convicts have enjoyed throughout this season good health in general, with the exception of a few who were much reduced by the epidemic (fever) last fall. There has been but one death, which happened last April, and was occasioned by a pulmonary affection. Twenty-three persons have been discharged, and nineteen received under confinement since I have had the management of the institution.

"Of the money which the law authorizes me to receive of the State loan, I have to acknowledge the receipt of three thousand and ninety-six dollars and seventy cents, including the amount received in raw materials.

"It gives me much pleasure to be enabled to assure your honorable body that I am confirmed in the opinion which I have long entertained, that the institution, under prudent management, may be rendered a source of profit, both to the superintendent and to the country; and should I be blessed with my health, in the absence of untoward accidents, I trust I shall be able to give a good account of myself, and of the establishment, at your next annual meeting. It would be gratifying to me to be visited early in the session by a committee, and also by the members individually.

"An accompanying statement exhibits an account of the expenditures, manufactured articles, raw materials, improvements made, &c.; all of which is respectfully submitted.

"JOEL SCOTT."

The following is the report referred to by Mr. Scott, and is interesting from the fact that it is the first exhibit of the kind presented by him:

KENTUCKY PENITENTIARY,

DR.

Nov. 8th, 1825. For this amount of expenditures: For guard hire, assistant keeper, clerk victualling the convicts, raw materials, fuel, &c., &c., from the first day of February, 1825, to the first day of November, 1825, inclusive ----- \$14,275 68

1825 to 1834—Joel Scott, Keeper.

CONTRA.	CR.
By articles manufactured in the Kentucky penitentiary from the first day of February, 1825, to the first day of November, inclusive, say	\$13,275 83
By this amount raw materials on hand	2,000 00
Of the above amount of manufactured articles there remains on hand unsold about this amount.....	2,500 00

"I have had built a picker and a double carding machine, a forty spindle billy, three sixty spindle looms, all rigged off complete for weaving; a house that is intended for a steam engine to work in, in which I have a horse wheel at work that drives my wool carding; which wheel will shortly be removed to give place to the steam engine, which is nearly ready to go up. I have got a filling mill nearly ready to work. I have started the wool hatting business. I have built a smith's shop in the back yard; the old one was so close to the building as to endanger the whole building. I still continue the chair making, shoe making, slaie making, coopering, wagon making, &c., and have made various other improvements, all of which will, at all times, be cheerfully shown to you, either in committee or individually.

J. SCOTT."

1825. Governor Desha, in his annual message to the Legislature this year, makes the following remarks in regard to the change which had taken place in the management of the institution, and the result likely to follow the change:

"I am happy in being able to present you a favorable view of the present condition of the penitentiary.

"That institution, originating in the best feelings of our nature, had unfortunately, for some years previous to the late change in its management, been a burden upon the State. Thus, the honest and industrious part of the community was taxed to support those whose crimes would, in other countries, have been capitally punished, and whose lives, spared by the clemency of our laws, were scarcely maintained by their own labor. But under the new arrangement the affairs of the institution wear a different aspect.

"Instead of needing aid from the public funds, it bids fair not only to defray its own expenses, but to become a permanent source of revenue to the State. Indeed, every consequence of her late change has been thus far of the most happy character, and has realized the anticipations of its warmest advocates.

"The present keeper has instituted several new branches of manufacture, and introduced much labor-saving machinery.

"The articles manufactured are now afforded at a less price than was formally fixed upon them. In fine, it is believed that by the present arrangement, public economy and public philanthropy are no longer at variance; that the interest of the State, by being identified with that of the keeper, is placed upon the surest footing, and that the comforts of the prisoners and the prospect of their reformation are equally improved."

1825 to 1834—Joel Scott, Keeper.

In his next annual message, December, 1826, he says: "It is gratifying to me to have it in my power to inform you that the penitentiary, under the management of Mr. Scott, has realized the most sanguine expectations of those who were favorable to a change of system in that institution. Instead of being a burden upon the treasury, as it generally had been before its late reorganization, we may reasonably calculate that its proceeds will hereafter form a respectable item in the public revenue."

Mr. Scott's second annual report was laid before the Senate on the 5th December, 1826, from which we make the following extracts:

"In order to ascertain the pecuniary situation of the penitentiary for my own satisfaction, and with a view of making an early communication to you on the subject, I caused the books and accounts of the establishment to be examined and balanced on the 8th day of October last. The investigations exhibit the following results, viz:

Due the penitentiary on the 8th of October, 1826, by notes, judgments, and accounts...	\$8,860
Raw materials, and manufactured articles on hand and undisposed of, amounting at least to	5,000

This exhibits a total of	<u>\$13,860</u>
--------------------------------	-----------------

"Including the \$6,000 loaned by the State, the institution owes \$8,140, which deducted from the sum of \$13,860, leaves a balance in favor of the penitentiary of \$5,720. Add to this the machinery and other improvements made by me, not included in the foregoing exhibit, and which may be valued at the lowest estimate at \$7,000, and the net profits of the institution on the 8th day of October last, in disposable means and beneficial investments, will amount to \$12,720. From this sum, however, something must be deducted to cover any eventual loss that may accrue in the collection of debts. It is impossible to ascertain at present what this sum will be, and difficult to make any very accurate estimate of it. It will, however, I am well satisfied, be very inconsiderable, for I have been particularly careful not to give any credit without first ascertaining the ability and willingness of those applying for it to pay. And although that degree of punctuality, which would have been agreeable to me, and which would have promoted the interest of the institution, has not been exactly observed, yet I have no reason to believe that there has been any greater degree of remissness on the part of the debtors than is usual, where such a multitude of dealing has taken place; but to provide more effectually against any losses in future, I have recently adopted rules relative to the subject of credit, which, if adhered to, will insure the most punctual observance of contracts."

Mr. S. goes on to say that he had found no difficulty in vending manufactured articles in a reasonable time and at a moderate profit, and with the improvements he proposed to make, had no apprehensions for the future.

1825 to 1834—Joel Scott, Keeper.

At the date of this report there were 77 convicts in confinement; thirty-one had been received since last report and 32 discharged. Three had been pardoned by the Executive who had considerable time to serve, and several who had but a few days of their sentence to remain. The convicts had enjoyed good health during the year, and none had died.

During this year a convict was killed by another convict, the first unhappy occurrence of the kind which had ever happened in the institution. A desperate fellow, by the name of Bradly, killed an unfortunate convict, named Johnson, for divulging a plan formed by Bradly and others to effect their escape. Bradly was afterwards tried, convicted of murder, and hung on the hill above Frankfort, in sight of the yard of the prison.

Mr. Scott paid \$1,000 into the treasury this year according to agreement.

The Legislature were invited to visit and examine the institution during their session.

In his annual message to the Legislature in 1827, Gov. Desha spoke as follows in regard to the condition of the institution under the management of Mr. Scott:

"I am gratified in being able to state that the present condition of the penitentiary evinces the wisdom of the change of system which identified the keeper with the interest of the State. It has ceased to be an annual burden on our treasury. Much labor-saving machinery has been constructed and new branches of manufactory introduced, which promises to be highly advantageous, and give this institution the appearance of a busy and extensive manufacturing establishment, rather than a place of punishment. The convicts themselves, though constantly at labor at all proper hours, have the appearance of good usage, and seem as contented as men could be in such a situation. Much pains is also taken to inculcate upon them moral and religious principles; but I regret to say that these efforts have been attended with but little success. The frequent and speedy return of convicts under sentence for new crimes, committed almost in the first moments of their releasement, admonish us that we must not be too sanguine in looking to our penitentiary as a means of reformation. Instances are known in which they have formed associations within the penitentiary to plunder and rob as soon as they get out, and without further legislation they may constitute a kind of banditti which will be dangerous to society. Would it not be better for the State and safer for the people, in cases whose repeated convictions for high crimes have proved the utter hopelessness of reformation, so to change the law as to confine these incorrigible offenders for very long terms or for life? They might then be made to support themselves, instead of living upon the plunder of honest citizens, and by their earnings render to society some slight compensation for the evils they may have inflicted."

The following is Mr. Scott's third report, and the one referred to in the

1825 to 1834—Joel Scott, Keeper.

message above quoted. The report is full and satisfactory, giving in detail much information in relation to the institution:

“Since my report of last year the operations of the institution have gone on prosperously and improvingly. The demand for manufactured articles has increased and is increasing, and I have no cause to apprehend any difficulty hereafter in vending them, and in keeping the convicts constantly and profitably employed; and my convictions, originally entertained, that the establishment, with judicious management, might be made to yield a handsome annual profit, have rather been strengthened than impaired.

“The act of last session, making an appropriation for rebuilding the Capitol, authorized the building commissioners to draw on the keeper of the penitentiary for manufactured articles to the amount of \$5,000. Of this sum, about \$1,495 have been furnished upon the orders of the commissioners, which has been principally used for the purpose of paying workmen and for purchasing building material elsewhere; \$995 97 has been paid to persons that are employed in building and furnishing materials for the building, and to be paid on the commissioners’ order, and has been by that means as valuable to the State as the same amount of cash would have been.”

Mr. Scott proceeds to make a statement in relation to work done on the new State house, which had employed from forty to fifty convicts during the year. He asks a committee to examine his accounts, and regrets that the outstanding debt is unusually large, and that, in consequence thereof, he would be unable to pay into the treasury the \$1,000 bonus in cash, guaranteed to the State by the provisions of the contracts. He then proceeds:

“It gives me pleasure to have it in my power to state that during the present year the convicts have been generally in excellent health. There has been but three deaths since my last report, and there is at present not a single case of sickness on hand. One of the convicts who died was received while laboring under a severe chronic complaint, from which he never recovered. The other was killed by the guard while attempting to make his escape. It was with reluctance that I had recourse to such decisive measures; but the nature of the case presented no other alternative. The convict had declared his intention to escape or perish in the attempt. He was a powerful man, desperate as he was powerful, and well armed with clubs and stones at the time. A strict regard to self-preservation, as well as a compliance of duty, compelled the guard to fire on him. Another convict, attempting to escape at the same time, was wounded, but has since recovered.

“With the exception of this unhappy occurrence, it gives me pleasure to state that the deportment of the convicts has been generally very correct. They appear to be satisfied with the treatment they receive, are obedient

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and decorous, and execute all orders given them with promptitude and alacrity. There are now in the penitentiary 83 convicts.

"Since my last report 37 convicts have been received and 33 have been discharged, their terms of confinement having expired, and five have been pardoned by the Executive.

* * * * * "I owe it to the assistant keeper and clerk, and to the guard, to say that I am much indebted to them for their steady and zealous endeavors to promote the interest of the institution; and if it has prospered, it is to be imputed in no small degree to their faithfulness and perseverance."

Gov. Metcalfe, in his first annual message, delivered in December, 1828, to the General Assembly of Kentucky, alludes to the penitentiary in the following language:

"Since I came into office I have taken some notice of the penitentiary. Great improvement is visibly stamped upon the whole face of the establishment. But by raising the outside wall a few feet higher, and building a hospital within its inclosure, the superintendent will be enabled to discharge the obligations of humanity to the sick with much more convenience than at present, and the chances of escape be diminished."

On the second day of the session of the Senate of the same year, December 2, 1828, Mr. Wickliffe offered the following resolutions, which were adopted:

Resolved, That the committee on courts of justice be instructed to inquire into the expediency of amending the general acts concerning the *judiciary*.

Resolved, That the keeper of the penitentiary report to the Senate the number of convicts now in the penitentiary, and what has been the average number during three years preceding this time; also, the number of cells in the penitentiary, and of the rooms used as work-shops; also, the manner of labor and confinement in the penitentiary, stating specially the time appropriated to labor and to solitary confinement, and the manner and kind of dieting, clothing, &c.; also, state particularly how many convicts have been convicted of new crimes after their discharge from former confinement; also, to state whether any building within the penitentiary can be appropriated to a place of worship and school-house, and if not, what will be the probable expense of the erection of such building; also, to state what number of cells will enable him to confine the convicts separately during the hours appropriated to solitary confinement, and what will be the probable expense of each of such cells.

In reply to these resolutions, Mr. Scott sent to the Speaker of the Senate, on the 4th of the same month, the following reply:

"SIR: Permit me through you to make the following communication to the Senate, in conformity to a resolution offered upon the 2d inst., making the following inquiries:

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"1st. The number of convicts in the penitentiary?

"To which I answer eighty-seven.

"2d. What has been the average number during the last three years?

"The number has fluctuated from seventy-five to ninety-three; but I am of the opinion that the average number is eighty.

"3d. The number of cells?

"There are thirty-four new cells and sixteen old ones; which old cells I consider too unsafe to keep convicts in.

"4th. How many work-shops?

"There is a wagon maker's shop, an eating room, and a cooper's shop, in the ground or cellar story. A carpenter and chair shop, a room for wool carding, and one that we finish cloth in, on the second story. A spinning room, weaving room, and painter's room, in the third story of the main building. There is a house that we call the engine house, to hold the steam engine, in which is a grist mill, fulling mill, lathe to turn iron and other machinery in. The building that was formerly a blacksmith shop is now used as a dye house and hatter's shop. There are two rooms at the east end of the old row of cells used as a shoemaker's shop, and the rooms above them as shops to finish wool hats in, and a blacksmith shop separate and apart from all the other buildings.

"5th. The manner of labor and confinement?

"I unlock as early in the morning as it is light enough to see how to work; the hands then wash and go to work, and remain until the breakfast bell rings; all hands then go to the table and eat; as soon as they are done eating, they return to work until dinner; then they work until evening's shade admonish us to lock them up. They are put up, one, two, and three in a cell, as circumstances require. We work the shoemakers and blacksmiths until nine and ten o'clock at night during the winter. They are fed in summer with bacon, corn bread, and vegetables; and they have rye coffee at breakfast in winter. They have beef, pork, bacon, and vegetables, hominy, soup, &c., as much as they want; two meals in winter and three in summer. They are clothed in summer with a tow linen shirt and pantaloons; in winter a jeans hunting shirt, vest, hat, shoes, socks, &c., of variegated colors. There are fourteen who have been in this prison more than once. The carpenters' shop will answer for a room to worship in and for a school room. As relates to the number of cells necessary to be built to confine each man separate, I cannot speak, unless I knew whether the old cells would be used. I have built eight small cells that will hold one man, and, except in them, solitary confinement is not practicable here; and, as to the cost of building cells, I cannot speak with any reasonable correctness, unless I know the kind of cell that would be wanted. Should it be left to my judgment, I would have small cells of about eight feet long, four feet wide, and seven feet high, the building two stories high, a porch in front—brick wall, lined with two-inch oak plank, which

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would cost about \$150 a cell; and there are forty-six of the convicts who say they lost their parents before they were sixteen years old. There are thirty who cannot read, and there are others who can read—having learned to read since their confinement in the penitentiary.”

From his annual report for this year, 1828, we make the following extracts: * * “Since my last annual report, nothing deserving very special notice has occurred. With improved regularity and increasing prospects of being more and more useful and productive, the affairs of the establishment may be considered prosperous.

“Unusual health has been enjoyed by the convicts during the year. They have been, I hope, advantageously employed, well fed and clad, and have generally been subordinate and faithful.

“Their number now is eighty-seven. None have died this year, and nothing has occurred among them worthy of your consideration, except the escape of six of them by stratagem, five of whom have been recaptured.”

This escape occurred during the fourth year of Mr. Scott's agency, and was the first which had occurred. It occurred while Mr. S. was on a short absence from home on business of the penitentiary.

Early in the morning, after the prisoners were at work, a large, athletic prisoner (whose employment and previous good conduct entitled him to come into the office) presented himself at the inner door and said he wished to bring into the office a large roll of finished broadcloth, which he held in his arms up to view. The officer on duty opened the door, and the prisoner immediately dropped the cloth in the door, so that the door could not be closed, and drew a large knife on the then unarmed officer, who gave back, and immediately five other prisoners rushed in, secured the officer, closed the doors, robbed the money drawer, clothed themselves with the clothes of the guard, armed themselves to the teeth, and started for the hills immediately adjacent, leaving the inner and the outer door locked, with the officer bound within. They were hotly pursued through the hills for several days, and barely escaped recapture on two or three occasions while in the country, but finally succeeded in eluding pursuit, until three of them were recaptured at Detroit by men who had been informed of their escape, and furnished with bills giving descriptions of their persons, and offering heavy rewards for their recapture. As these had been the first, Mr. Scott determined that they should be the last to escape, if a certainty of recapture would deter in future. One of the prisoners who planned this escape was also engaged in the attempt at escape when his fellow was killed and himself was wounded.

Owing to the fact that so many of them had been employed on the new State house during the year, the keeper was unable to make any definite report as to the profits of the institution. From thirty to fifty of the convicts had been employed during the year by the commissioners for rebuilding the Capitol; and as no definite contract had been made between them

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and the keeper, and no settlement had, no estimate could be made of the amount of their labor.

He says: "I can state generally that all the manufactured articles are in demand, and sell so readily, that the total value now on hand is not more than \$600; and I am now assured that my first expectations in regard to the value of the institution to the State, and its productiveness to myself under the operation of the new system introduced, will not be disappointed.

"By the personal observation which I invite, members can obtain more accurate and satisfactory information of the profits and prospects, as well as the superintendence of the institution, than they could derive from a report ever so minute from me. Some small additions and improvements would be necessary for the security and health of the convicts, which will be manifest to any who will inspect the walls, doors, and cells. I indulge the hope that the Legislature will find much to approve in the new arrangement of the institution.

"For the success of its various operations under my superintendence, I feel greatly indebted to the vigilance and prompt assistance of the assistant, Mr. McIntosh, and the clerk, Mr. Belt, and to the fidelity of the guard."

On the 30th of December following, the committee of the Senate, who were appointed to report on that part of the Governor's message which relates to the penitentiary, made the following report:

"Your committee most cordially subscribe to the humanity of the laws which substitute this mode of punishment for death, and agree that, in all its features, it is highly calculated to produce reformation; leaving the offender against our laws that existence which was the gift of a wise creation, and time, during his natural life, to prepare to answer in another world for all the iniquities of this. This mode of punishment has been ordained and practically understood in the Commonwealth for thirty successive years. It has met the approbation of all Legislatures since the time of its first establishment, and your committee are aware of no serious effort to repeal it.

"Seeing that it is thus permanently ingrafted in our criminal code of laws, it is a high duty which we owe to the community to remedy, as far as possible, all defects in the system, and render it productive, as far as practicable, of all the ends of its philanthropic founders, and subservient to the purposes of the community in maintaining and continuing it.

"To that end your committee have sought for and obtained all the information within their circumscribed limits as to necessary improvements in regard to the building itself, and in regard to the discipline, labor, instruction, and general treatment of the convicts. They held a correspondence with Joel Scott, the keeper of the penitentiary, from which they have acquired a knowledge of several important facts. They were also furnished by him with the 'third annual report of the board of managers

of the Prison Discipline Society, of Boston, which has shed much light upon the subject. This pamphlet presents a precise statement of the buildings, discipline, instruction, and general treatment of the convicts in most of the penitentiaries of the United States. We also derive from it satisfaction as to the effects of the several modes of treatment upon the moral and future life and habits of the convicts.

“All the facts collected by us in relation to this matter, tend to rivet us more firmly in the opinion that solitary confinement by night, and close application to labor during the day, with regular preaching at least every Sunday, and instruction in the ordinary branches of learning during the residue of the day; with such a course of discipline at all times as would render the convicts, so far as regards conversation with each other, or with any visitor, wholly out of the question, are the most efficient means of reform. By this mode of discipline, which we believe entirely practicable, each convict would, for all the purposes of punishment, be wholly insulated from all his fellow-convicts, and would thereby be prevented from holding those communications by which they encourage each other to total disregard of the punishment inflicted, and impart their knowledge and experience in the commission of crime, and no doubt excite each other to deeds of desperation. ‘Iron sharpeneth iron, so a man sharpeneth the countenance of his friend.’ (*Proverbs.*)

“With a single parody, this will apply to these offenders against the laws of society. By this mode of discipline, they would not only be cut off from all social intercourse with each other, and be thereby prevented from devising or maturing schemes of future villainy, but they would have time and opportunity to reflect upon the evil of their ways, and would be strongly induced to enter into, and every night repeat to themselves, the firmest resolves on reformation.

“In this abstracted and lonely situation, the mind, after repeated wanderings abroad, would naturally be forced back upon itself, and be led to bitter repentance for the acts that had thus doomed the man to an ignominious exile scarce to be endured. If to this you would add the expanding and illuminating influence of even common education, and the persuasive eloquence of zealous preaching, it seems to your committee that but few would be so hardened or so abandoned, as not to be brought back to the line of duty and the path of rectitude.

“Your committee regret to be informed that for the want of a sufficient number of cells, the keeper is now compelled to commit for the night three or four to the same apartment. By this course it is believed that the prominent objects of the institution are often frustrated; for, instead of producing reform, it is but an inferior pandemonium.

“There are now thirty-two cells, capable of being divided by partition walls in each, which would double the number. This done, the keeper informs us, that by building thirty-four more, the number would be suffi-

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cient to lodge each one separately, and will, in all probability, be enough for some time to come.

"This committee find that there has been one hundred and ninety convictions to the penitentiary since the commencement of the present keeper's term. That of these, thirty-three had tolerable education, eighteen could read badly; most of the residue were reported to be wholly unlettered, and if any of them had education, it was not known. Of these, twelve have been convicted a second time, two a third time, two a fourth time, and nine have been in the penitentiaries of other States previous to their coming here. Many of them are shown by the report to be orphan boys, destitute of education.

"The course of treatment herein recommended would not, in any degree, diminish the quantity of labor which they might be required to perform.

"Your committee beg leave to mention, that from the report of the Prison Discipline Society above alluded to, it is found that of one hundred and sixty convicts who had served in the penitentiary at Auburn, in the State of New York, one hundred and twelve are decidedly steady and industrious, or greatly improved in their morals and habits, twelve somewhat refined, two not much improved, four of whom nothing certain was known, two yet suspicious, two deranged, and twenty-six decidedly bad.

"Auburn is managed on the plan alluded to in this paper. From the same pamphlet we are assured that the State prison in the city of New York, in which the prisoners are allowed to converse with each other, and the discipline in other respects is loose and irregular, the number of reformations are much fewer in proportion to the number convicted, and the number of recommitments a second, a third, and a fourth time, much greater. Hence, not only from the light of reason, but from the force of experience, we are compelled to recommend and urge to the Legislature the necessity of increasing the number of cells in the penitentiary for solitary confinement, and of affording the means of at least partially educating the untaught offenders, whose ignorance and orphanage, in many instances, plead, to some extent, their excuse for the commission of crime.

"The keeper informs the committee that he has caused divine service to be performed in the penitentiary once on each Sabbath day for some time past; but from the corrupt state of the feelings from the cause above alluded to, he does not perceive from it much good effect. His letter will more fully explain the course of treatment that he would adopt, if the cells were provided, and the necessary arrangements made within the walls.

"The committee recommend the adoption of the following resolution, viz:

"*Resolved*, That a law ought to pass providing for the increase of the number of solitary cells in the penitentiary, equal to the probable number of convicts that will be placed therein, and for the education, at least par-

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tially, by Sunday schools, of the uneducated offenders that may be sent to the institution, and for a rigid and regular course of discipline amongst the convicts, and for the performance of divine service on each Sabbath day."

In reply to a series of interrogatories propounded to Mr. Scott by the legislative committee, he made the following answers:

"GENTLEMEN: I have the honor to acknowledge the receipt of your communication dated the 10th instant, containing many interrogatories in relation to the Kentucky penitentiary, and requiring various information, which I am gratified with having the opportunity to give. I believe you ought to know the facts asked, and hope that it will lead to the improvement of the institution."

(A table was presented by Mr. Scott which answered the 1st, 2d, 3d, 4th, 5th, and 6th questions. I have no means of knowing what those questions were.)

"Answer to seventh question.—I have had a sermon preached to the convicts nearly every Sunday, and have paid two dollars in Commonwealth for a sermon. (Two dollars in Commonwealth paper was worth about one dollar in specie.)

"As to educating them in the penitentiary in its present situation, it would be difficult to do with advantage, several attempts having been previously made, which failed in consequence of difficulties presented; yet I am decidedly of the opinion that it may be practiced, and that to advantage, in the institution differently arranged.

"As to their morals, I am as careful to prevent every thing immoral in the institution as I can be on those subjects. I will answer more when I reply to your eleventh question.

"Answer to ninth question.—There are eight small cells, made of ten-inch square oak timber, lined outside, spiked on with large iron spikes; the logs are bolted together with iron bolts. The cells are three feet wide, four feet high, and seven feet long, designed only to put such convicts in as attempt to break the other cells. They cost about \$50 each.

"Answer to tenth question.—There are thirty-six cells that are susceptible in part of being divided, and by building a room in front, as is laid down in the drawing herewith submitted, it will make thirty-four more; then by dividing a few of the old cells we shall be enabled to keep each convict separate at night.

"I would build the back and end walls of stone. The stone on the inside of the wall should not be less than three feet long, and as much longer as they could be had; the wall at least three feet thick. The partition walls should be of brick, twenty-four inches thick; the walls well laid in mortar of sand and lime, the building two stories high. I would have the cells three and a half or four feet wide, eight feet long, and six and a half feet high. Cost about \$100 each.

"Answer to eleventh question.—I would put each man in a separate cell

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at night, and not suffer a word to be spoken by them after being locked up. Work them hard all day, and prevent communication as much as possible. On Sunday morning keep them locked in their cells with their books until breakfast; then unlock the doors of the cell; at the ring of the bell let every man come out, form and march in single file, in presence of myself or assistant keeper, to the eating room; make them take their seats and eat in silence; then, at a word, march them in single file to the school room; there spend an hour and a half or two hours, instructing them to read, write, or in arithmetic; then have a sermon preached to them. Lock them up until dinner; then march them in order to dinner, and, as above, to the school room; there spend two hours with them, then return to their cells, there to remain until Monday morning, and during the week use every precaution to prevent evil communications, often in a kind and friendly way, give them lectures—the cost of all which would be about \$150.” * * * * *

Section 18 of the act appointing Mr. Scott keeper, &c., made the Auditor, Treasurer, Register, and Attorney General a board of inspectors for the prison, who were to make an annual report to the Legislature.

The following is the only report from them to be found in the public Journals:

“Mr. Speaker laid before the House a communication from Messrs. Porter Clay, James Davidson, John M. Foster, and J. W. Denny, upon the situation and management of the penitentiary, as follows:

“STATE OF KENTUCKY,
“Frankfort, December 22d, 1828. }

“DEAR SIR: By an act of the General Assembly of the Commonwealth of Kentucky, approved the 10th day of January, 1825, concerning the penitentiary, the undersigned were appointed a board of visitors to said institution, for the purposes therein mentioned, and to make report to each successive legislature, their opinion as to the management and government of the same.

“In discharging that duty, we now beg leave to state, that they have once in each month, since their last report, regularly visited the penitentiary, and that the government of the same has been conducted with great propriety and in strict observance to the laws heretofore passed, for the conduct of, and management of the same. The dormintaries and cells are cleanly—the health of the convicts has been remarkable during the last year, there has not been more than three on the sick list at any one time, who were not able to perform their usual daily labor. Their diet is sound and wholesome, and well adapted to those who have to labor; there has been one death since our last report, produced most probably, from a long course of intemperance, contracted anterior to his becoming an inmate in the institution, we lament the necessity that has compelled the keeper to

forego the inconvenience of two much rubbish in the yard, during the last and present years, from the quantity of stone he has been compelled to cut for the rebuilding of the State house, but we anticipate in future, less difficulty in that respect, as the great portion of that description of labor is now completed.

"In conclusion, we are gratified in stating it as our unaltered opinion, that Mr. Scott possesses talents in a very eminent degree, qualifying him for the station he now fills.

"We have the honor to be, &c.

"PORTER CLAY, *Auditor*.

"JAMES DAVIDSON, *Treasurer*.

"JOHN M. FOSTER, *Register*.

"J. W. DENNY, *Attorney General*.

"JOHN BREATHITT, Esq., *Lieutenant Governor and Speaker of the Senate*."

An act of the Legislature, approved 29th January, 1829, provided that Henry Wingate and T. S. Page be appointed commissioners on behalf of the Commonwealth to settle the accounts of Mr. Scott with the State from the time he took charge of the institution up to the date of this act. They were to make out an account current between the said Scott and the Commonwealth, and report to the Legislature at the next session the said account. The commissioners were to be paid by said Scott out of the profits of the institution two dollars per day, for each day they were employed in said business. The act further provided that the Auditor of Public Accounts should receive from the commissioners for the rebuilding of the Capitol, a receipt for any work or materials furnished by said Scott as so much of principal or interest of any amount due by said Scott, either upon his bond or otherwise; provided the amount did not exceed that appropriated by law for that purpose.

An act approved same session provided that the plan for the new cells, proposed by Mr. Scott, be deposited with the Auditor, and he was directed to proceed at once to the building of the cells and the dividing the old cells. He was empowered by the same act to raise the whole of the outer wall six feet higher and cap it with small rock, as it is now. He was to keep a correct account of the expenditures in making these improvements, and report the same to the next Legislature. The cells were not to cost over \$70 each, and the raising of the walls not over \$2,000, the whole to be paid out of the proceeds of the profits of the institution. After the completion of the new cells the keeper, for all time after, was to keep the convicts in separate cells at night, and to prevent all conversation between them during the day, and to procure, if possible, one sermon to be preached to them by some regular minister of the gospel on each Sabbath, and cause the convicts, who are unlearned in reading, writing, and arithmetic, to be taught in one or other of these branches at

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least four hours every Sabbath day; and the keeper to cause the convicts to be locked up in separate cells during all the balance of the Sabbath day not occupied in hearing preaching, learning, or eating their regular meals; provided expenses did not exceed \$250 per annum.

The above is the first act ever passed providing means for the moral and religious instruction of the convicts. During the remainder of Mr. Scott's term it was, to some extent, enforced, but discontinued by his successors.

The following is the report of Messrs. Wingate and Page, made according to the above recited act:

“FRANKFORT, December 9, 1829.

“DEAR SIR: Please lay before the House, over which you preside, the inclosed statement, and oblige,

Yours respectfully,

“HENRY WINGATE, }
 “THOS. S. PAGE, } Commissioners.

“JOHN BRATHITT, Esq., *Lieut. Governor and Speaker of the Senate.*

“By an act of the General Assembly, approved 29th January, 1829, appointing the undersigned commissioners for, and in behalf of the Commonwealth of Kentucky, to examine and settle the accounts between Joel Scott, keeper of the penitentiary, and the said Commonwealth, from the time said Scott assumed the management of said institution, up to the time of their examination and settlement. The commissioners appointed by said act, would state that it became necessary to fix upon some period to have the accounts closed, to enable them to make out a statement in accordance to said act; consequently, on the first day of February, 1829, the books were closed, and the balances made up to that time; a statement of which is herewith reported, viz:

Debts due 1st of February, 1829	\$13,620 48
Raw materials on hand same time	2,676 47
Manufactured articles on hand same time	2,989 74
Amounting to	\$19,286 69
Credits standing on the books same time	\$1,805 95
Unsettled accounts due to individuals same time	5,445 53
Advances made by the keeper up to same time	5,486 48
	<u>\$13,737 95</u>
Leaving	\$5,584 73
From which deduct bad and doubtful debts, about	945 00
Leaving a balance due, Feb. 1st, 1829, to the institution, of specie	\$4,603 73
Since the above settlement was made, the keeper has settled with the commissioners for rebuilding the State House, by which they fall in his debt \$9,756 32, Commonwealth's paper, equal to specie	\$8,536 73
Also, for orders not brought into this settlement, \$3,240, Commonwealth's paper, equal to	2,835 00
Making	<u>\$11,371 73</u>
Leaving a net balance due the institution on the 1st day of February, 1829, (as all the above named work was done previous to that date,) of	<u>\$15,975 51</u>

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"Out of the above named settlement, made with the commissioners for rebuilding the State House, the keeper has settled with the Auditor of Public Accounts, the balance due from him for a loan received from the State at the time he commenced his duties as keeper aforesaid, together with the interest due, amounting to \$6,131, Commonwealth's paper, which will be accounted for in a subsequent settlement with him.

"We have examined the improvements of machinery, &c., that the keeper has made in the institution since he has had the same under his management and control, and we calculate its value to be worth, (previous to the 1st February, 1829,) at the least calculation, \$5,700; the increase in the tools to be worth \$1,000. We have not taken into consideration, in this statement, the provisions or fuel, of which there is a large supply.

"We would remark, that the settlement of which the foregoing is a statement, has been made as accurate as it can be done, the most of which has been settled after the usual business hours.

"It is impossible that a full and final settlement can be made with the keeper while the institution is in operation, owing to the great number of unsettled accounts, a great part of which are carried on in the way of barter; to make a final settlement so as to ascertain the true and exact situation of the institution, it will be necessary that all business should cease and the accounts closed.

"In conclusion, we beg leave to say, that we found the books of the institution in good order and the accounts correctly stated.

"All of which is respectfully submitted,

"H. WINGATE, } *Commissioners.*
"THOS. S. PAGE, }

By close of this year the institution had gotten fairly under way, and the new system of management was being thoroughly tested. The wall around the penitentiary was raised about seven feet, making it about twenty feet high above ground, and covered with loose stones on the top, in which condition it has remained to the present day—not, however, answering at all times the expectations of the original projectors in preventing escapes over it.

A separate cell was provided for each convict, and the silent system by day and separate at night put fully into operation. The penitentiary system had now become the subject of deep interest to the friends of a humane and benevolent policy, not only in this, but several other States, as well as in Europe. It was attracting the attention and exciting the purest sympathies of the most worthy of the sages of our country; for it might have been said that out of the multitude of prisons of this description in Europe and America, not one of them had, until within a few years past, been even partially successful in the reformation of the convicts. On the contrary, their history confirms the painful truth that, without a solitary

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exception, they had been so many schools of vice—mere dens of iniquity, in which all the ingenuity of depraved and wicked men had been successfully exerted to receive and impart lessons of immorality, and concert dark schemes of the most abominable and atrocious villainy.

The advantages resulting to society from the temporary seclusion of this unfortunate portion of its members had, it was believed, been more than counterbalanced by the extraordinary mischiefs produced by their occasional liberation.

The inmates of those sinks of deep and appalling moral degradation had been let loose upon society; the most desperate, dexterous, and hardened villains, contaminating every thing within the scope of their deleterious influence until again detected, condemned, and again returned to the same or some other prison. Add to this cheerless fact that, prior to the recent improvements of the system, not a single instance can be cited of a public prison, the expenditures of which had not, like this, exceeded the income from the labor of the convicts, and it is no matter of surprise that the efficacy and justice of this mode of punishment should have been doubted; for what could have been more unjust towards the virtuous part of any community than the impositions upon them of heavy burdens to support the most profligate who were immersed in prisons, in lieu of merited inflictions of a more sanguinary character?

But now a brighter and better day seems to dawn upon those abodes of darkness and hitherto nurseries of crime. The defects of the system were believed to be detected and exposed, and remedies applied which were being put in full and successful operation. To the fathers of the Prison Discipline Society was due the credit of disseminating the true knowledge of the best manner of managing such institutions. They were aided by many powerful minds, both in Europe and America, in disseminating light upon a subject so deeply interesting to every civilized and Christian community.

Within a few years this institution had undergone very great and striking improvements, commencing and progressing almost simultaneously with the improvements of the other prisons alluded to, but from a cause entirely different, except so far as that cause had been instrumental in introducing and bringing into action the principles of the Prison Discipline Society. Reference is had to the employment of a keeper, whose pay for his services was made to depend entirely upon the net profits of the establishment. The idea was a novel one, and, at the time, was received as entirely erroneous. It stood the test of experience, and was ingrafted on the improvements suggested by the Prison Discipline Society, and has contributed largely to the completion of that system. The plan furnished the strongest imaginable guarantee that the convicts should not become a burden to the State. It insured the strictest economy, and the

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fact has been clearly established, that in prisons where there is most moral improvement there is least expense; that economy and moral improvement are not adverse, but congenial principles, and must co-operate to produce any very favorable results.

In proportion to the population of the State up to this time, the number of commitments to the penitentiary was certainly not large. The average population of the State for the preceding thirty years was about half a million; and of this number, only about six hundred and thirty of this unfortunate class had been sentenced to confinement in the State prison.

The cost of criminal prosecutions in many of the counties of the State, and some of them the most wealthy and populous, greatly exceeded the amount of revenue which they paid into the public treasury. To guard against an increase of this burden upon the Commonwealth for the support of the convicts, was thought not to be unworthy the consideration of the Legislature.

The remedy was supposed to be found in the new mode of employing a keeper. It was believed, by giving him an equal moiety of the net profits of the institution, a sufficient guarantee was given that the convicts should not become a burden to the State. It insured the strictest economy. His interest directed his attention to the health of the convicts, and taxed his ingenuity to provide for them the most profitable employment. That employment was varied to suit the times and the market, and he was constantly awake to all the pecuniary concerns of the establishment. He was also interested in their moral improvement, and would be opposed to any improper abuse or cruel treatment of the prisoners.

Out of the State's moiety of the profits, it was proposed to make provision for their moral and religious instruction, to employ competent teachers of Sunday schools, and to make such alterations and improvements in the buildings as might, from time to time, be needed or deemed expedient.*

The annual report of the keeper for this year, (1829,) which follows, will explain at full length the condition of the institution, with its financial and other improvements under the new arrangement:

Mr. Scott says: "There are now ninety-one convicts confined in the penitentiary. Forty have been committed since the first day of November, 1828. Thirty-one have served out their respective terms and been discharged; five have received the pardon of the Executive, and one has died. The health of the prisoners committed to my charge has been, during the present year, unusually good. The average of persons sick during the year would not much exceed one per day."

Upon the subject of the finances of the institution, Mr. Scott's recapitulation of the report of the committee appointed by the Legislature to

*Governor Metcalfe's annual message.

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examine his accounts, will be found full and satisfactory. He says: "The committee appointed by the Legislature to settle the accounts of the penitentiary, performed that duty on the first day of February of the present year.

"The report of the committee will show a profit derived from the institution of \$15,975 51 up to the first of February last, from the time it was intrusted to me, besides improvements made in the machinery, work-shops, &c., which amount to \$5,700. They estimate the increase of the tools at \$1,000. This would make the total product of labor of the convicts during four years amount to \$22,675 51. I beg leave here to observe that I have been disappointed in the amounts of profits, although they have far exceeded the expectations of others who have looked to the previous experiments of the institution. My disappointments have grown out of the contract with the commissioners of the State-house.

"The profits of the great job of nearly \$92,000, has only amounted to about \$700. The accounts of the office furnish the following exhibit of the condition of the institution:

Debts due the institution is	\$18,692 65
This sum the clerk estimates will be reduced by offsets and bad debts to	10,000 00
Raw materials on hand at this time	2,650 00
Manufactured articles on hand	3,000 00
Building commissioners' certificate to Auditor for stone for State-house.....	9,756 32

"Since the settlement of my report of last year I have made extensive and valuable improvements in the establishment. I have altered the old block of brick cells, and have made of them two large and commodious work-shops; the one for carpenters, and the other for weavers. In obedience to the law of last session, I have built the wall six feet higher, and in conformity with the act have added the flat rocks and the loose stone as a covering to the wall, which makes an addition to its former height of seven feet nine inches. At the principal gateway I have projected forward two walls for the purpose of making a double gate, making the extent of the wall there added about 120 feet in length and 14 feet high. I have built 34 cells directed by law, and divided the old ones, the expense of which improvements will be seen by reference to the paper marked B. I have also provided a chapel and Sabbath school room for the convicts, and have built a shed eighty-four yards long for the manufacture of bagging, and have in operation four bagging looms, and have also erected a hemp house within the walls. The improvements have enabled me to introduce into the institution the following rules and regulations, which I feel bound to submit to the Legislature as a part of my report, as the economy of the establishment and its prison discipline are subjects of the most interesting concern to the Legislature and to the community.

"A system of silence is made to prevail throughout the whole institution. Conversation is not permitted among the convicts, with the exception that a foreman of a shop is allowed to give instructions with regard

to work in hand. All other communications and directions are to be from the manager who conducts the institution. For the purpose of preserving perfect order in all the operations of the establishment, the convicts are divided into several shops' crews; in which every individual is known by his number; and in proceeding to their business, their meals, or their religious duties, they fall into file according to their number.

"When the first bell rings in the morning, all hands rise, dress, make their beds, sweep up their rooms, and as soon as the doors are open, the litter is swept into the alley. The convicts remain in the cell until the second bell rings; then each shop's crew fall into the ranks in order, and march in silence to their shops, and then each takes his proper place, washes, and proceeds to work. Each man is required to remain at his own appointed position, and is not allowed to approach that of another without leave.

"No man is to look at or speak to visiting persons without leave. This rule is not unfrequently infringed by visitors who, we must suppose, are ignorant of its existence or importance. When the bell rings for meals, each shop's crew form in single file, every man in his place according to his number, and in silence march to table; there each takes his seat and remains still until the bell rings; then they eat in silence in the presence of a manager; and at the ringing of the same bell each man rises to his feet, and follows his file-leader to his work. The man that marches behind going to his meal marches before going to his work.

"When the bell rings at night, the convicts form as above mentioned, and march to their cells, where each goes into his separate cell, which is reached by arrangement in order; the number of the cell corresponds with the number of the individual who fronts it in the rank.

"Each man is held accountable for the quantity and quality of his work, according to his ability and skill, and is not allowed to commit waste, nor to suffer waste to be committed in his sight, without giving information to a manager of what he has seen. No man is allowed to go to the privy without a token. Each shop has its own token and privy. There is a man in each shop to bring materials and to hand tools; if he is absent, the foreman acts in his stead. When anything is wanted, the person to be supplied pulls the cord and rings the shop bell for the tender, who attends to him and supplies his wants.

"The cooks prepare the victuals, attend the table, sweep the galleries, and cut the wood for the fires. If there be anything amiss in the preparation of the food, the convicts are enjoined to give information of it at meal time.

"On Saturday the barber shaves the heads and faces of the men. When this duty is begun by one shop's crew, all belonging to it are shaved before other is called. Each individual, when shaved, is required to wash and in clean clothes, and return to his place in the shop.

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"The above is an outline of the conduct prescribed to convicts during the week. Sunday is devoted to the purposes of religious instruction, and in the employment of the Sabbath school.

"A chapel is provided for these objects, and from the time the prisoners are taken from the cells in the morning until night, meal times excepted, they are engaged in religious instruction, or in learning to read, to write, and to cypher. At least one third of those sent to the penitentiary are entirely illiterate, and most of them very imperfect in the rudiments of the education imparted by common schools. The different corps of convicts are marched to the chapel on Sunday, in the order they march to their business during the week, and are placed on benches, with their faces towards the wall, where, under the supervision of a manager, they prosecute duties prescribed to them through the day. From these regulations, such only are exempted as are retained in solitary confinement as a punishment for offenses committed by them.

"Divine service is always attended by the keeper or his assistant, and the most profound and solemn silence and attention required from the convicts. I regret to say that I have not been able to obtain as much religious instruction as I desired.

"I consider the sermons and prayers of pious men, in conjunction with the labors of the teacher of the Sabbath school, as greatly conducive to the reformation of the unhappy being committed to my care, and I should rejoice to have it in my power to tell the Legislature that I had been enabled to procure a preacher to perform his sacred functions in the chapel of the penitentiary on every Sunday during the year. This has not been the case, and I am sorry to inform you that only twenty-nine sermons have been preached to the convicts during the last year. This has not been my fault. I have given to the teachers of the Sabbath school two dollars per day, and two dollars for every sermon preached within the walls."

Appended to the report is a large account for work done on the cells and in rearing the outer walls to the required height, amounting in the aggregate to nearly four thousand dollars. He acknowledges his obligations to Mr. Jno. R. Scott and Mr. McIntosh, assistants, and Mr. Belt, the clerk, for their valuable aid in managing the affairs of the institution.

The Legislature, at the commencement of the session of 1830-31, appointed a committee to examine and report upon the financial condition of the institution. After a full statement of the transactions, financial and business, of the institution, they state that there is a balance in its favor of \$44,227 79. They say:

"In making the foregoing statement we have been very particular, and notwithstanding we do not consider it to be entirely correct, in consequence of the great number of accounts that are carried on in the way of barter

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by the institution, (which cannot be closed without some considerable notice;) and moreover, we do not believe that a full and correct view of the institution can be given unless the business should cease for a while, and minute inventory of every article be taken into the calculation. We are, however, decidedly of opinion that the institution is at this time in a prosperous condition, and doing remarkably well. The profits, as reported, are much larger than our most sanguine expectation, and the institution, as far as we have had it in our power to examine, is managed in that prompt and energetic manner as must insure success and profit to the State, if not the benevolent purpose for which it was originally instituted. The morals and education of the convicts appear to be under the peculiar care of the keeper. He has in his employ persons who teach them regularly on each Sabbath day the great and leading principles of education, morality, and religion; and indeed, every thing that can render such miserable creatures comfortable or happy, is done by the keeper.

"The improvements made, in addition to those reported by the commissioners at the last session of the Legislature, is estimated at \$1,700; the tools, &c., about the same value."

"All of which is respectfully submitted by

"J. BROWN,	} <i>Commissioners.</i>
"H. WINGATE,	
"THOS. S. PAGE,	

"FRANKFORT, December 6, 1830."

In his annual report for 1830, Mr. Scott mentions the settlement with the commissioners, as reported above, and reports the condition of the institution as in a highly prosperous condition. Only two circumstances worthy of note happened during the year, calculated to interfere with the affairs of the institution. One was the escape of two of the prisoners, and the other was the prevalence of a fever among the inmates for a portion of the year. "The fever commenced in September, and prevailed about eighty days; during which time from three to fourteen of the prisoners were prostrated at once, two of whom (young men) fell victims to the disease." An old man died of chronic disease during the year, and another from the effects of intemperance. A negro man died of chronic disease of the kidneys—making in all, four deaths during the year.

"In conclusion," says Mr. Scott, "while on this subject, permit me to say that a hospital has been in great demand during the last year, particularly during the prevalence of the fever."

Two convicts made their escape during the year, one of whom was retaken.

Since the last report, forty-one convicts were received, the sentence of thirty expired, three were pardoned, and five died, and one lost by escape.

The month of September, of this year, there were one hundred and prisoners in confinement in the penitentiary—the largest number

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ever in the institution at any previous time. At the end of the year there were ninety-two. They were employed as follows: Ten bagging-spinners, three bagging-weavers, six weavers of broadcloth, jeans, and carpeting, one sley-maker, one brush-maker, six shoemakers, twelve wagon and plow makers, sixteen blacksmiths, five chair-makers, two coopers, one engineer, one foreman, one miller, ten hatters, four wool-carders, two wool-spinners, two cloth-dressers, six stone-cutters, and three cooks. They were shifted from trade to trade, according to circumstances.

The following table, prepared by Mr. Scott, will furnish a complete statement of the social condition of the inmates previous to conviction, the crimes for which they were sentenced, and other matters of great interest. This table shows that the crimes for which they were convicted are, for felony, (the particular offense not mentioned,) thirty-six; horse stealing, fourteen; house breaking, three; stealing money, six; swindling, two; manslaughter, five; kidnapping, one; passing counterfeit money, five; house burning, two; forgery, two; highway robbery, three; and for maiming, one.

The conduct of the prisoners was good during the year, so much so that the keeper had almost intirely dispensed with corporeal punishment.

The rules by which the keeper governed the prisoners were printed and posted up in every cell, and each prisoner either read or had them read to him until he had a thorough knowledge of the government of the institution. This was another newly introduced improvement, and one that has been continued with decided good effect.

The keeper says further: "As to the Sabbath school for the prisoners, I found that benevolent design of the institution was defeated, and that it was impossible to do any good with all the prisoners confined in the school room at once; therefore I held a council with the visiting committee, and we agreed it was best to lock up those who were old, and some of the most advanced in learning. At this time about thirty of the youngest and most illiterate are attending school, some of them highly pleased and learning fast."

The failure to obtain religious instruction was a source of regret to the keeper. He says: "My efforts to obtain religious instruction have been unsuccessful so far, under the present regulations, that the prisoners have not heard more than fifteen or twenty sermons during the last year. In remedy of this defect, I hope that your wisdom will devise some plan with which I shall most cheerfully co-operate."

Mr. Scott's time having nearly drawn to a close, he urged the Legislature to look out for his successor.

Mr. McIntosh, the assistant keeper, resigned his situation this year to take charge of the penitentiary at Nashville, Tennessee. He was succeeded by Mr. J. F. Dryden.

The following were the rules by which the prison was governed while under the care of Mr. Scott:

PRISON RULES.

The assistant keeper is to attend at the prison early every morning; to unlock the cell doors and let out the convicts; to superintend all the business which is carried on, and see that all hands perform their work; to be constantly moving from shop to shop; to examine everything that is going on, and to see that no disorder or neglect of any kind is committed in the prison; to be at table at meal times; to lock up the convicts at night with the assistance of the guard, and to count and see that all the convicts are in their proper places. He is to inspect the guard and to see that they perform their duties. He is to attend to the prison every Sunday at meal times, and he is also to attend to locking up the prisoners on that day. He is to be entirely moral; he must never indulge in passion in the prison, and must never strike a prisoner without permission from the keeper. He must never converse much in the prison during business hours. He is to deliver all manufactured articles, to make out all the bills of work done, and hand them to the clerk; he is to be as constantly in the prison as possible, and is not to leave without giving information to the keeper. He is to guard the blacksmith shop when they work at night. He is to receive all convicts when they arrive at the office; and when a convict is received, to examine him, and see if he is sound; to have his head and face shaven; to have him dressed in the prisoner's dress; to conduct him to his cell, and there read to him the rules of the prison; then to conduct him to the keeper, who will give him his charge and put him to work. If the prisoner is unsound on his arrival, the assistant keeper is to send for the physician who will attend to him.

At daybreak in the morning, the guard on duty must ring the bell; the convicts must then arise, dress themselves, make up their beds, and sweep their rooms. When the assistant keeper arrives in the yard, he must ring the bell a second time, and proceed, with the assistance of the guard, to open the cell doors. The convicts must then sweep the litter from their rooms into the alleys. The assistant keeper must ring the bell a third time, when the prisoners must step out of their cells, form a single file, and then march directly to their respective work-shops, all in silence. The foreman of each shop must march behind each shop's crew, and if any of them are disorderly, he must report to the keeper. When arrived at their respective places of work, they are to wash and wipe themselves, and then proceed to labor. As each man has his own place at which to work, he is not to leave it and go to another man's place without leave.

Every man is to work briskly, to be careful that nothing committed to him shall be wasted, and is held responsible for the quality of his work. Every shop has a waiter and a bell to ring for him, and when any convict

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wants anything he must pull his cord, which rings the bell for the waiter, who will wait on him.

At meal times the bell is to be rung twice; first, for such hands as can not leave their work immediately. At the second ringing all hands must quit work, form in single file, and thus march in silence to their respective places in the eating room, take their seats, and when the bell rings again, commence eating in silence. When a convict wants bread he must hold up his hand; for soup, his spoon; for meat, his knife; for vegetables, his fork; for water, coffee, &c., his cup. Every man, when done eating, must wait until the bell rings; must then rise, march in single file to their respective shops; the man marching before going to meals must march behind going to work, the foreman of each shop always marching behind each shop's crew.

At work the prisoners must not turn their eyes off of their work to look at any person passing, nor speak to any person without permission.

When the bell rings at night each shop's crew must form in single file and march to their respective cells, get their water from the bucket passing for that purpose, go into their cells, hand the hasps of their cell doors to the guard as he passes to lock the doors, and remain in their rooms in silence, all noise in the cells being strictly prohibited.

As soon as the prisoners are unlocked and proceed to their work in the morning, two men must clean the night buckets, &c. Three men are appointed whose duty it is to cook for the prisoners, wash their clothes, and clean all the furniture in the eating room and kitchen. They must have a plate, knife, fork, spoon, and cup at each man's place; must wait upon the prisoners at each meal time. They must sweep out the alleys between the cells every morning after breakfast; they must carry out all the slop water at night; must have buckets of water ready, and must carry them along the alleys for the prisoners to get night water as they pass. They are to keep the school room clean, and in cold weather make a fire in the morning.

Every Saturday morning three men, appointed for that purpose, must sharpen the razors; after breakfast go with one of the guard to a shop, and there shave the heads and faces of the prisoners. Three men must be washing, three shaving, and three dressing with clean clothes at the same time. As soon as three are dressed they must go to their work, and three more must be called; shaving by shops, the cooks taking care of their clothes.

On Sunday the bell will ring as on other mornings, and the prisoners must march to their work-shops as on other mornings; there wash, and thence march, at the ringing of the bell, to breakfast as usual. After breakfast, those who are to be locked up must march to their cells; the others must march to the school-room, and there attend in silence their studies as directed. No prisoner must speak to another without permission.

After school, they must march to their cells, be locked up, and there learn a lesson to be recited after dinner, &c. When there is divine service, notice will be given by the bell, and all hands are to assemble in the chappel, and politely attend divine service.

On Monday morning, each man must hand his book to his foreman, who must keep them until Saturday evening, when, at the first ringing of the bell, each man must get his books, and keep them until Monday morning.

The prisoners are at all times forbid speaking to each other, or to the guard, unless on business. If they wish to speak to the keeper or assistant keeper, they must ask their permission.

The keeper's annual report for 1831 furnishes the following statements in relation to the condition of the institution :

"There are now confined in the penitentiary ninety-four convicts, all in good health; and I am happy to say that they have enjoyed good health during the past year. Neither a death nor an escape has occurred since my last report. The concerns of the institution have been prosperous and profitable. The manufactured articles have been in demand, sales have been brisk, and it is due to the prisoners to say that they have displayed industry and willingness to aid me in meeting the demand for manufactured articles.

"Little or no change occurred during the year in the working departments. About the same number of hands were employed in the various shops and manufactories that there were the preceding year. Since my last report, twenty-five persons have been received, and twenty-nine have been discharged; ten of whom were pardoned, of whom four had served nearly all their sentences."

The affairs of the institution continued to prosper under the new regulations. Governor Breathitt, in his annual message for 1832, alludes in the following terms to the institution :

"The policy and finances of the penitentiary are of a character highly creditable to the gentleman who has charge of that institution. Whilst the unfortunate convicts are made to attend reasonably to business, they are well clothed and fed, and treated humanely."

We make the following extract from the keeper's annual report for 1832

"Although disease and death have walked abroad in the immediate vicinity of the prison, yet the convicts have been blessed with uncommon good health—there having been but one death among them during the last twelve months, and in that instance the deceased was about seventy-seven years of age."

Through the extraordinary vigilance of the guard and assistant keeper, and the submissive disposition of the convicts, corporeal punishments were rarely inflicted during the year; and there was but a single effort at escape, and that proved unsuccessful.

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To the vigilance, industry, and good management of the assistant keepers, Mr. Harry J. Anderson and John R. Scott, the clerk, Mr. W. F. Lane, and the guard, Mr. Scott attributes the great success of the year's proceedings in the institution. He says:

"Since my last report, twenty-nine convicts have been received, nineteen of whom were convicted of felony, (the particular offense not being specified in the record,) five for larceny, one for counterfeiting, one for perjury, and three for manslaughter. Of the whole number of convicts, thirty-six have left the prison during the last year, of whom twenty-seven served out their sentences, one died, and eight were pardoned—some of the last having only a small part of their sentences given them. It is due the Executive to say that this has been done cheerfully at the request of the keeper.

"The number of convicts at this time is eighty-six, from which it will appear that, during the last several years, there has been a regular decrease in the number of convictions. The men are well clothed and fed, healthy, and actively employed in various business, which yields a reasonable profit. The price of different manufactured articles, and the number of convicts, have been so much reduced, that I cannot report so large a profit as in former years. The institution has sustained some losses in debt which will reduce the profits for this year about four thousand dollars."

In consequence of the further decline of Mr. Scott's health, he was compelled to decline any further management of the institution after the present year, and urged the Legislature to make arrangements to appoint a person to succeed him at the expiration of his term.

Governor Breathitt, in his annual message for this year, (1833,) calls the attention of the Legislature to the penitentiary, in the following words:

"The penitentiary system will also be the subject of inquiry. The convicts suffered severely by the visitation of the epidemic during the past year. The agent and physicians were very vigilant, and fewer deaths occurred than usual, in proportion to the number of cases.

"There might be a valuable improvement made by a different arrangement of the buildings within. The plan will be communicated to you by the agent, to whom the country is much indebted for his attention to the institution.

"In any event, I would recommend that you order a room to be furnished for the purpose of an infirmary. It is extremely difficult to give the necessary attention to the sick person confined in a cell barely sufficient to admit another individual.

"It will be found that the fiscal affairs of the institution are in a satisfactory and flattering condition. It is a source of some pleasure, that whilst many of the penitentiaries of other States are a charge upon their govern-

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ments, ours yields a small revenue, and that, too, without drawing too heavily upon the time and labor of the convicts."

The following report, made by act of Legislature, will exhibit the financial condition of the institution from the time it came into the hands of Mr. Scott up to the 31st December, 1833:

"FRANKFORT, January 3, 1834.

"DEAR SIR: You will please lay before the Senate the inclosed statement of the situation of the penitentiary, and oblige,

"Yours, very respectfully,

"JNO. GLOVER,

"BEN. R. POLLARD.

"HON. RICHARD B. NEW, *Speaker of the House of Representatives*:

"In conformity to an act of the General Assembly, passed at the last session of the Legislature, appointing us commissioners to settle and adjust the accounts of the keeper of the penitentiary, we submit the following report. The books of the institution have been carefully examined, and the balance ascertained up to the 31st day of December, 1833, inclusive, from which it appears there remains due to the institution from individuals—

On accounts, the sum of.....	\$23,135 28
Notes on hand	8,786 81
Interest on same.....	367 17
Notes in suit.....	600 64
From the State for articles furnished by the keeper to the building commissioners of the State House	12,625 49
For erecting and completing 34 new cells, as directed by the act of Assembly, approved 29th January, 1829	2,116 80
For raising outer wall of the penitentiary six feet higher, and covering the same with loose stone	1,546 81
For advance made by the keeper to convicts on their discharge, after serving out term of sentence	1,133 12
From Joel Scott, for amount of his account	17,011 52
From the State, for articles furnished for the repairs of the Government House.....	523 73
Cash on hand	604 13
To which add the amount of manufactured articles	3,783 93
Raw materials on hand	3,697 34
	<u>\$75,932 77</u>
From which deduct debts owing by institution	\$4,099 72
Also for debts supposed to be bad and doubtful.....	1,785 00
	<u>5,884 72</u>
Total amount of profits	<u>\$70,048 05</u>

"In addition to the above sum, there has been expended in retaking convicts escaped from imprisonment, in rewards, and other expenses, the sum of \$1,744 56. Whether this sum should be charged to the State, to the penitentiary, or to the keeper, or made a joint loss, is a matter respectfully submitted.

"We think it probable that the institution is indebted to an amount beyond the sum here reported, as ascertained from the books. Many

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articles have been received by the keeper, as he informs us, unaccompanied by a bill; consequently, they have not been placed to the credit of the person from whom they were purchased, and in such cases it has not been in our power to ascertain the true situation of the accounts, but have reported them as exhibited by the books.

“In making the foregoing estimate we have devoted much time and attention to the books and accounts of the institution; still, we do not exhibit this with entire confidence of its correctness. The difficulty in taking a complete and correct inventory, while a considerable portion of the materials are in the hands of the workmen in an unfinished condition, must be obvious to all. We, however, are of opinion that the articles, as estimated, raw as well as manufactured, will insure a sale without loss to the institution.

“In ascertaining the profits of the institution, we have been compelled to resort to other data than that contained in the general account of the institution, which ought to have shown the true situation of it at any time, if the books had been properly opened and kept; and we are of opinion that if this had been properly done, the general account would have exhibited a result not very different from the foregoing; but instead of that, it falls short at least thirty thousand dollars.

“In making the foregoing remarks, we wish *not* to be understood as intending to impugn the motives of the officers whose duties placed them in charge of the books. We believe they have all been actuated from an ardent desire to promote the interest and prosperity of the institution.

“We are decidedly of opinion that the penitentiary, at this time, is in a prosperous condition; the keeper appears to be well qualified, and to possess a peculiar tact for the management of such an institution. The prompt and energetic course pursued in the internal regulations of the prison, warrants an opinion favorable to its future success.

“JOHN GLOVER,

“B. R. POLLARD.”

The following extracts are taken from Mr. Scott's last annual report. He refers the Legislature to report of the commissioners above. We have copied the report in full, as exhibiting a more satisfactory and full detail of the financial condition of the institution than any extracts could do. In regard to the health and other matters relating to the inmates, Mr. Scott says:

“As regards the health of the prisoners, it was good from the time of the last report until the commencement of the cholera, which took place in June last, and caused us nearly to suspend business in the prison for about ninety days; during which time we lost fourteen convicts with cholera. All of the convicts, except two, were sick with the disease, and nearly all of them had from two to five relapses. I thought it advisable

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to employ six guards during the prevalence of the disease, and with that view I had six at its commencement, four of whom took the disease, as did myself and son, leaving only Mr. H. I. Anderson, the assistant, to attend to the business, aided by such young men as could be obtained—it being difficult to obtain any. I personally attended to the sick, neglecting every other business, for about two weeks, (prescribing and administering with my own hands, aided by all the assistance I could obtain from Drs. Sharp and Roberts,) until I was myself attacked by the disease. I recovered and relapsed frequently, until his Excellency was kind enough to advise me to leave the place and retire to the country, which I did for about two weeks. His Excellency was also kind enough to procure Mr. J. J. Vest to assist Mr. Anderson during my absence. While upon this subject, permit me to impress upon you the necessity of an hospital; for so great was our distress for the want of one, that I am obliged, in justice to myself, to say to you, that a sum could scarcely be named sufficient to compensate men to risk their lives in nursing the sick in that awful disease, as we, and the attending physicians, had to do. We had two escapes from the prison, growing directly out of the want of an hospital; for we were compelled to leave the cell doors open to give air to the sick and dying, at which time one of the convalescent prisoners let out of his cell the prisoner who opened the cell doors for those who escaped. The expense of retaking them was six hundred and seventy-three dollars, which sum would have built a hospital.

“Since the disease left us, the prisoners have been very healthy, and all things are now in a prosperous condition. Our manufactures have been in fair demand, and sales have been brisk. We have received thirty-five prisoners since my last report, seventeen have been discharged by the expiration of sentence, and thirteen have been pardoned.

“It is due to his Excellency to say, that the number of pardons was increased on account of the prevalence of the cholera—several being pardoned as a reward for their attention to the sick, and some to enable themselves to recover from the disease. We have now seventy-one prisoners, having had fewer than formerly the whole year.”

In reply to an allusion in the Governor's message in relation to further improvements within the walls of the prison, Mr. Scott replies that he is impressed with the importance of the improvements, and submitted his plans for the inspection and concurrence of the Legislature.

He again urges the continued failure of his health as a sufficient reason for his retiring from the management of the institution, and begs the Legislature to make arrangements to dispense with his services during the present year. In answer to the complaint which the commissioners laid against the manner in which the books had been kept, Mr. Scott replies that the clerk was a separate and independent officer, appointed by the Governor, and intended as a check on him. He was sworn to keep the

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accounts correct, and the keeper had always given up the management of the accounts to him. The errors committed were large, but could be corrected by a committee, which was earnestly solicited by Mr. S.

On the 15th January, 1834, the following resolution passed the House of Representatives:

“Resolved, That a committee of eight be appointed to take into consideration the report of the keeper of the penitentiary, and examine the report of the commissioners appointed to settle the accounts of the said keeper, and report thereon, and whether the Legislature should not now receive the institution from said keeper.”

On the 15th February following, the two Houses proceeded to the election of a keeper of the penitentiary. Thos. S. Theobalds, Vest & Anderson, (J. J. Vest, H. I. Anderson, of Frankfort;) Michael Davidson, of Garrard county; Caleb Guthrie, of Shelby, and Benjamin Hensley, of Frankfort, were put in nomination before both Houses. After taking six ballots, (Guthrie having been withdrawn on the second vote, Hensley on the third vote, and Vest & Anderson on the sixth vote,) a majority of the votes of the members of both Houses appearing in favor of Mr. Theobalds, he was declared duly elected agent and keeper of the penitentiary for four years, commencing on the 10th of March succeeding.

Preparations were immediately made by Mr. Scott to surrender to his successor the institution. In doing so he had the satisfaction of knowing that while under his care it had been completely revolutionized—changed from a den of filth and corruption to the dignity of respectability. From being an annual tax upon the public treasury, and a disgrace to the humanity of the State, it had, under his supervision, management, and humanity, become more than self-sustaining, and presented the appearance of order, decency, and economy, calculated to elevate and reform, rather than to depress to the lowest degree of degradation the unfortunate victims of crime and folly annually sent there for correction and reformation.

The plan of thus employing a keeper had worked to the entire satisfaction of the public, so far as the government of the institution was concerned; but it was not without its objections in a financial point of view, as will appear from the difficulty in making a final settlement with the late keeper. The following documents will set forth all the difficulties under this head, and will show the final result, financially, of Mr. Scott's administration of the affairs of the institution while under his care.

An act passed 15th February, 1834, provided that, “Whereas, Joel Scott, the present keeper of the penitentiary, has expressed a desire to retire, and that the contract between him and the Commonwealth, now existing, shall cease and determine on the 1st day of March next; wherefore,

“§ 1. *Be it enacted, &c., That from and after the 10th day of March next, the said Scott and his securities shall be discharged from all and every obligation which they may now be under for a performance by said Scott,*

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after that time, of the duties of keeper of the penitentiary, and no further: *Provided*, That within ten days from the passage of this act, the said Scott and his sureties, or as many of them as are in the State, file with the Secretary of State their written assent to the provisions of this act, and express therein their willingness to remain bound under their original contract, to the full extent thereof, except so far as the same requires said Scott to perform the duties of keeper after the said 10th of March: *And provided, also*, That except as to the performance of the duties of keeper after the said 10th day of March, the obligation heretofore given by said Scott and his sureties shall remain as binding and obligatory upon them as if this act had not passed."

The second section of this act provided, that in case the written assent of the parties aforesaid was obtained and filed with the Secretary of State in the time prescribed, John Glover, B. R. Pollard, Thos. S. Page, John Woods, and Robt. Brown, be appointed commissioners, any three of whom could act on the part of the Commonwealth, whose duty it was made to proceed with all possible dispatch to value and fix a reasonable price on all the tools, bedding, &c., and wearing apparel of the convicts in the penitentiary, and take an inventory thereof, and deliver the same to the keeper to be appointed by the Legislature, who was to receipt for the same. This receipt was to be lodged with the Auditor of Public Accounts, who was then to cancel the receipt of Mr. Scott for similar articles received by him on taking charge of the institution.

The commissioners were to make a separate inventory of all the raw materials and manufactured articles belonging to the institution, and all the debts, whether owing to the penitentiary by bond, note, or book account, and lodge the same with the Auditor. It was made the duty of Mr. Scott to take charge of all the raw material and manufactured articles, together with the debts owing the institution, and to proceed at once to the sale of the articles and the collection of the debts due for the sale of articles already made, or which might be made hereafter, and to pay into the public treasury quarterly all sums received by him, or so much thereof as the State might be entitled to, and report the same to the next Legislature.

After giving up the care of the institution to his successor, Mr. Scott, in accordance with the provisions of the act of the Legislature just referred to, took charge of the books of the institution, and made the sales and collections therein mentioned. At the next session of the Legislature, he made the following communication to that body, which gives in full the result of his agency up to the time of making his report:

"To the Honorable, the Legislature of Kentucky:

"In compliance with an act of the last session of the Legislature, permitting me to retire from the office of keeper of the penitentiary, and

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empowering me, as agent, to settle up the business which had accrued under my superintendence, and also making it my duty to report my proceedings to your honorable body, I would respectfully ask your attention to the following communication:

“Mr. Thomas S. Theobald being appointed my successor, I sold to him the raw materials and manufactured articles on hand, and delivered them to him on and before the 9th of March last, (so as to be completely ready to give him possession on the 10th,) for which I took his certificate to the Auditor that he had received of me, out of the proceeds of the penitentiary, the sum of five thousand two hundred and eighty-four dollars and sixty-four cents, to be received as part of the loan from the State to him, to bear interest from the 10th of March, 1835; and upon the same consideration he executed to me his note for four hundred and thirty-four dollars and eighteen cents, payable on the 10th day of March, 1836. I have since paid him the sum of seven hundred and fifteen dollars and eighteen cents, the balance of the six thousand dollars; of which acts I hope your honorable body will approve.

“By the same act, above referred to, five commissioners were appointed to discharge certain duties therein specified, any three of whom might act; not being able to obtain the presence of more than two of them, Major Woods and Mr. Robert Brown met on the 10th of March last, and proceeded to appraise all the tools, clothing, &c., and to deliver them to Mr. Theobald, and took his receipt for the same. Mr. Page being then absent from town, upon his return he examined their inventory, and approved of their prices and proceedings, and accorded with the same. In consequence of Mr. Brown's removal to Illinois, I was not able to obtain three commissioners to act until the month of September last, when I obtained the presence of Mr. Pollard, who, with Messrs. Woods and Page, proceeded to take an inventory of all the notes and accounts on hand.”

(This list was furnished by Mr. Scott, embracing all the debts due the institution, whether by note or open account, and also the condition in which the claims then existed, whether in good, solvent notes, good and bad accounts, those in suit, and those upon which judgment had been obtained, amounting in the aggregate to \$68,837 40.)

RECAPITULATION OF THE LIST OF NOTES, &c., FURNISHED BY MR. SCOTT.

Accounts due the penitentiary.....	\$52,837 40
Notes due penitentiary	12,699 74
Notes and accounts out for collection	1,588 67
Judgments.....	1,218 85
	<hr/>
	\$68,344 66
Deduct debts due by penitentiary, amounting to	1,990 79
	<hr/>
	\$66,353 87

“Balance due the penitentiary, as will appear from the above accounts, \$66,353 87, which, when collected, will be subject to equal division between

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the State and myself, the State having received, at the time of settlement by the commissioners, the sum of \$23,591 68, and I having received \$24,429 70.

"The above shows you the state of accounts and funds of the institution, except two small horse-carts, one great-coat, one piece of filling, and one copper tea-pot, which were made to order, but have not been taken away by the persons ordering them; they will be disposed of as soon as convenient.

"Whilst settling the accounts, I requested the commissioners, with Mr. Belt, former clerk, to examine my individual accounts, as they had all others, and to set forth in form whatever errors they might find in the same, so that I might present the same to your honorable body; which they did in the words and manner following.

"July 24, 1834."

(This bill amounted to the sum of \$10,131 23, and was for advances made by Mr. Scott for sums paid to assistant keepers, and for a variety of articles furnished the institution.)

Appended to this account is the certificate of Messrs. Woods, Page, and Belt, as follows: "We have this day examined and compared the foregoing list of charges with the books of the penitentiary, and are entirely satisfied that Joel Scott, as keeper, should have credit for the same.

"Given under our hands this 24th day of July, 1834.

"JNO. WOODS,

"THOS. S. PAGE,

"*Commissioners on part of State.*

"O. BELT,

"*Former Clerk of Ky. Penitentiary.*

"FRANKFORT, September 23, 1834."

"From an examination that I have made of the books of the Kentucky penitentiary, I am satisfied that the foregoing account of money and articles were furnished the institution, and that Mr. Scott nor any one else has been credited therewith.

"BEN. R. POLLARD,

"*Commissioner on part of State.*"

"In the foregoing account are a few of a great number of small items, which I would cheerfully have waived, and would not have presented to your notice, (though they are strictly due and just,) had not your commissioners, in the statement of my account, deemed it a matter of justice to insert them in their certificate. I hope your honorable body will take into consideration the above amount as certified to be due to me, and that you will do unto me what in your wisdom shall be thought just and right.

"It is but justice to myself and to those indebted to the institution, to state that I have not tried to collect the debts, except where I thought a

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delay would injure the claim; in that event I have either sued upon the debt, or made the debtor secure it to me. My reason for not trying to collect the debts is, that I knew my claim to be a just one, and believing that you would allow it to me, I did not want the money to be in my hands until my claim was acted upon by your honorable body; which I hope you will take immediate steps during the present session to have fairly adjusted.

“In conclusion, permit me to express to you, collectively and individually, my profound gratitude for many tokens of kindness and confidence heretofore bestowed, and my sincere wish that the same reciprocation of kindness and good feeling may forever exist.

“All of which is respectfully submitted by your humble servant,
“JOEL SCOTT.”

The following statement will show the manner in which payment was made by Mr. Scott for the \$6,000 loaned to him on taking charge of the institution, and also for the sale of manufactured articles sold by him after leaving:

JOEL SCOTT, Keeper of the Kentucky Penitentiary,		In account with the Commonwealth of Kentucky for \$6,000 loaned.	
1825.	DEBITS.		
March 3.	To sundries received as cash	\$718 35	
April 7.	To warrant on treasury, No. 314.....	100 00	
May 13.	To warrant on treasury, No. 408.....	500 00	
May 26.	To warrant on treasury, No. 445.....	250 00	
June 8.	To warrant on treasury, No. 496.....	391 68	
June 17.	To warrant on treasury, No. 510.....	100 00	
June 21.	To warrant on treasury, No. 519.....	100 00	
July 12.	To warrant on treasury, No. 577.....	250 00	
Sept'r 23.	To warrant on treasury, No. 782.....	483 18	
Sept'r 28.	To warrant on treasury, No. 796.....	100 00	
Oct'r 25.	To warrant on treasury, No. 923.....	103 50	
Nov'r 22.	To warrant on treasury, No. 1147.....	329 00	
Nov'r 22.	To warrant on treasury, No. 1153.....	1,756 00	
Dec'r 23.	To warrant on treasury, No. 1505.....	495 99	
Dec'r 26.	To warrant on treasury, No. 1536.....	107 00	
1826.			
Jan'y 7.	To warrant on treasury, No. 35.....	144 75	
Jan'y 20.	To warrant on treasury, No. 72.....	284 16	
1827.			
Feb'y 28.	To interest on loan to 1st January, 1827	360 00	
1829.			
March 31.	To interest on loan to 21st February, 1829	771 00	
			<u>\$7,344 61</u>
1826.	CREDITS.		
June 9.	By amount paid to Treasurer.....	\$135 00	
July 10.	By amount paid to Treasurer.....	54 87	
August 9.	By amount paid to Treasurer.....	33 74	
Oct'r 14.	By amount paid to Treasurer.....	588 00	
Nov'r 1.	By amount paid to Treasurer.....	402 00	
1829.			
March 31.	By settlement, as per act of Assembly, approved 29th January, 1829, being on account of articles furnished by the penitentiary for the Capitol, (see act)	6,131 00	
			<u>\$7,344 61</u>

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JOEL SCOTT, Keeper, &c., <i>In account with Commonwealth of Kentucky, for sales of manufactured articles, &c., in his hands.</i>		
1836.	DEBIT.	
Dec'r 31.	To balance	\$6,800 00
		<u>\$6,800 00</u>
1835.	CREDIT.	
May 1.	By Treasurer, for cash	\$6,000 00
1836.		
Dec'r 31.	By Treasurer, for cash	800 00
		<u>\$6,800 00</u>
1836.		
Dec'r 31.	By balance	<u>\$6,800 00</u>

AUDITOR'S OFFICE, KENTUCKY,
Frankfort, June 16, 1842.

The foregoing accounts are correctly copied from the books of this office.
THO. S. PAGE, *Second Auditor.*

The subject of Mr. Scott's claim was presented to the Legislature, and a committee appointed to examine the same, who made the following report:

"FEBRUARY 19, 1835.

"Mr. Morgan, from the committee on the Penitentiary, made the following report:

"The joint committee to whom was referred the memorial and report of Joel Scott, late keeper of the penitentiary, have performed the duties assigned them, and after hearing all the testimony adduced by said Scott, relative to the credit claimed by him, the committee come to the conclusion, that although the claim was singular in its character, being to allow a credit for a large sum of money, and to correct a mistake on the books of said penitentiary, kept under the eye of said Scott, and which for years had escaped the detection of either keeper or clerk; yet, on examining the books aforesaid, which have been very inartificially kept, the committee think there is much plausibility in the claim set up by said Scott; but from the time the committee could bestow in examining the books, kept in a very confused manner, they could not satisfy themselves certainly on the subject.

"They therefore recommend the passage of a bill appointing commissioners to examine the accounts of said Scott, and settle with him upon equitable principles."

This bill was reported, and passed the Senate, but never became a law. Several efforts were made for the final settlement, and there is abundant evidence to show that Mr. Scott was always extremely urgent and anxious to have the matter fully investigated and finally adjusted.

In 1836, the Legislature passed an act creating the "sinking fund," and gave to it the State's portion of the profits arising from the proceeds of the penitentiary; and it was under the provisions of this act that suit was

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eventually brought by the Attorney General for the settlement of the claims against Mr. Scott, and the final settlement of the partnership between him and the State in the management of the prison during his term of agent and keeper. The following documents will explain fully the manner in which a final adjustment of the whole matter in controversy was effected.

In May, 1841, O. G. Cates, Attorney General for the State of Kentucky, brought suit in the General Court against Mr. Scott for a final settlement of his accounts as agent and keeper of the penitentiary. A bill in chancery was filed by the Attorney General, setting forth all the charges against Mr. Scott, and requiring him to answer fully to all of them. On the 11th December, of the same year, Mr. S. filed his answer, denying some and answering many of the allegations made by the Attorney General.

At the February term, 1842, of the same court, the following order, by mutual consent of the parties, was made:

"It is ordered and decreed by the court, that all the books, papers, and accounts, &c., &c., relating to the agency of Joel Scott, as keeper of the penitentiary of this Commonwealth, be, and the same are hereby, referred to Samuel Todd, Esq., as auditor and master in chancery of the court between the parties, and that he, the said auditor and master, hear and determine on oath the statements of either party, or their agents or attorneys, touching the various matters and things in litigation; that he hear all written and parol evidence introduced by either party before him, touching the said matters in litigation in the bill, answer, and exhibits. That he, the said master, audit and adjust the accounts of the said Commonwealth and Joel Scott, as keeper and agent as aforesaid. 1st. According to the direction of the Attorney General of the Commonwealth. 2d. According to the direction of the said Joel Scott or his attorney. 3d. According to what he, the said master, &c., may deem right and proper from the facts and evidence introduced before him by both of the parties litigant. That the said master, &c., have power to cause to be brought before him any person or persons, paper or papers, book or books, to be used by either party touching the matters and things in litigation; and that said master, &c., reduce to writing all parol evidence heard by him in the premises, and report the same, together with all his acts and doings under this reference, to the court. And the said defendant, Joel Scott, is hereby directed and ordered to hand over, whenever called on by said master, &c., all the books, papers, accounts, notes, &c., now in his possession or under his control, touching, or in anywise relating to the agency of said Scott, as former keeper and agent of said penitentiary. And it is further ordered, that this suit be continued until the next court."

The following are the instructions of the Attorney General to the master in chancery:

 1825 to 1834—Joel Scott, Keeper.

"COMMONWEALTH OF KENTUCKY }
 vs. } Before Commissioners in Chancery.
 "JOEL SCOTT,

"The attorney General requests a statement of the accounts of the penitentiary, &c., thus:

"1. The gross debits of Joel Scott's account, with the particular items of credits, separating them from such credits as by law he is not entitled to, so as to show the account with and without those credits.

"2. The gross credits and debits of the State of Kentucky account, with the *particular items* of debits, excluding therefrom such debits as by law should not be charged to the State.

"3. The gross credits and debits of the penitentiary account, with a statement of such credits as should be charged, but are not shown on the books.

"4. The gross amount of cash received for sale of articles, &c., in the institution during Scott's agency.

"5. The sums of cash loaned or advanced by the State to Scott, or the institution; when advanced; and if paid into the treasury, at what time; and state whether the account of the State has received credit therefor, or Scott charged with, &c.

"6. The amount of notes or cash received of T. S. Theobald by Scott for manufactured articles, raw materials, &c., and whether Scott's account has been charged therewith, or the State account credited thereby.

"7. The amount of the advancement made by the Capitol building committee, on account of the State, to Scott, and the amount of material furnished said committee by the institution; and whether the State account has been credited therewith, or Scott charged thereby.

"8. The amount of cash, &c., paid guards, assistant keepers, wagons, teams, &c., &c.; when paid, and to whom.

"9. The amount paid for Sunday school teachers; when paid, and to whom.

"10. The gross amount of good debts, of bad debts, and doubtful debts due the institution on the 10th day of March, 1834; also, the gross amount of raw materials, stock, &c., on hand at that date; also, cash on hand.

"11. The *net balance* due the institution on the 1st of November, 1830. (See report of Brown, &c.)

"12. The net balance made and due the institution since 1st November, 1830, to the 10th March, 1834.

"13. State the net profits (if you can) of the institution during the entire time it was under the agency of Joel Scott.

"14. State the condition of the books of the institution, how kept, and what persons than the clerks of said institution have made entries in said books.

O. G. CATES, *Attorney General.*"

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In pursuance of the decree of court and the directions of the Attorney General, the master in chancery entered upon the discharge of the duties assigned him.

After having spent many months in examining the books, correcting errors, making out tables, balance sheets, &c., &c., the whole making about eighty pages of manuscript, he made his report, and the following final award in the matter:

"THE STATE OF KENTUCKY }
 vs. } In Chancery.
 "JOEL SCOTT,

"In pursuance of the agreement of the parties appointing the undersigned to settle and adjust the amount of debts uncollected, insolvent, unpaid, &c., of the penitentiary during the time Joel Scott was keeper, and also to adjust and ascertain the whole matters of difference between the parties, and award whatever sum is now due and owing from said Scott to the Commonwealth, begs leave now to state that, after having made a full settlement of all the insolvent and uncollected debts of the institution, finds that the sum now due from said Scott is five thousand seven hundred and twenty-nine dollars and sixteen cents, for which a decree is to be entered by court.

"It has also been agreed by the parties that the undersigned should decide whether interest should be given upon said sum, and if so, from what time it ought to have commenced.

"Interest is not a part of the debt, but something added to the debt by way of damage for the detention. English courts define interest to be 'damage to be recovered on account of the detention of the debt.' (*Salkeld*, 622.) Formerly, interest was considered unlawful in every country of Europe. From this, as a general rule, a few special cases are excepted. In France the exceptions are minors and marriage portions, and money, the price of lands. In England, interest was against law till the Statutes of 37th of Henry the VIII, chapter 9; and the allowance there is decided by their courts as not given by express law, but rests on the discretion of judges and juries. (*1st Chancery Reports*, 57.) Instances are found where it is increased to twenty per cent., and in others it is reduced one per cent. lower than the legal rate, (*2d Atkins*, 343,) and in a number of cases it is refused altogether, as, for instance, no interest is allowed on rents, profits, or annuities. (*1st Chancery Reports*, 184; *2 Par. Com.*, 163; *Talbott's Report*, 2.) It is not allowed for moneys advanced by executors, (*2 Equity Abridged Cases*, 531;) nor for goods sold and delivered, (*3 Wilson*, 206;) nor on book debts, upon open accounts, or simple contracts, (*3 Chancery Reports*, 6; *Term Reports*, 133; *Douglas' Reports*, 376;) and a number of other cases. The rule laid down by Lord Mansfield in *Douglas* and *2 Salk.*, that interest depends altogether on the discretion of the judges and juries, who will govern themselves by all existing circumstances; will take the legal

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interest as the measure of damages, or more or less, as they think right; will give it from the date of the contract, or from a year after, or deny it altogether, as the fault or the sufferings of the one or the other party shall dictate. Such, then, being the law, it would seem a clear point, that on the adjustment of the accounts of a partnership concern, the amount found, one way or the other, never having been liquidated, would not, until ascertained by settlement, as a matter of law, give interest before settlement made; and it will in this case depend on a sound discretion, to be governed by all the existing facts and circumstances. When the penitentiary was conducted by managers appointed by the State, and up to the time Joel Scott undertook the management of the institution, it appeared by the public archives relating thereto that it was very badly managed and, in fact, that the State was compelled to advance from three to four thousand dollars per annum for its support. At the time he was appointed, the Legislature appointed a set of visitors to report on the condition of the institution and the prisoners. These visitors, when they made their report to the Legislature, which will be found in the Journals, in which they state that the institution was in a most disgraceful and filthy situation—the cells and apartments insecure, uncomfortable—nay, wretched beyond description. Such was the state of the prison and the inmates, that visitors say it cannot be described with the use of decent language. The prisoners had nothing on them but their dirty tattered rags—swarming with vermin. In this state of wretchedness and misery and filth, it was taken possession of by Joel Scott, who, with a degree of humanity, industry, enterprise, and integrity, completely changed the whole from that degraded state of things, which was not only a heavy expense, but a disgrace to the State. The filth was removed, the prisoners were washed, cleaned, and clothed; their cells were renewed, made safe, and comfortable; and turned that which was before an expense and a disgrace, to an order of things which became not only profitable, but creditable also to the State. In addition to this, he carried on the institution with a degree of enterprise, industry, humanity, and fidelity, which produced an income of thirty thousand dollars, and raised the institution by his management—setting an example, which, if followed, will continue to make it both creditable and profitable.

“When Scott left the institution, he expressed a great desire to settle the accounts of the partnership; but the books were in such a situation that the best of clerks, after repeated trials, gave it up, and declared it was impossible to make a balance-sheet. Scott himself was ignorant of the science of book-keeping, and from the state of the books, as set out in my report of their condition, I believed it was impossible for him to know what was the state of the accounts. I have shown that the errors on the credit or stock account alone, was something like thirty or forty thousand, and omissions to carry forward to the expense account were very great.

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Scott believed, and he had a right to believe, from the honesty of his heart, that the institution was in his debt; and it is very probable, that had he been credited with what he was justly entitled to, and which was omitted to be entered, that he would not have been found indebted at all; but those credits not having been entered on the books, is the reason why the books now show a balance against him. In addition to this, Scott has, ever since the dissolution, been earnestly pressing a settlement, and never asking at any time a moment's delay—professing always his willingness to pay whatever he was found indebted. Under such circumstances, I am of the opinion that if ever there was a case in which interest ought not to be given, this is one. It is a case in which by law interest ought not to be given, and in such a case equity follows the law, and upon the circumstances of the whole case, it would be clearly unjust to allow it. The decree, therefore, ought to be entered for the sum of \$5,729 16, which is to be a full and final settlement of the whole partnership transactions during the whole time which Scott was the keeper and agent of the penitentiary.

“SAMUEL TODD.”

The report was received and agreed to by both parties, Mr. Scott paying the amount awarded against him promptly, and the matter was finally closed for ever.

JOEL SCOTT, *Agent and Keeper of the Kentucky Penitentiary,*
In account with said institution from the 1st day of February, 1825, to the 14th day of May, 1834, inclusive—showing the whole amount of assets received by him, and the whole amount of expenses during the above period, and the balance of net profits accruing to said institution.

DEBITS.		
To amount of accounts on ledger A, page 24, report.....	\$281,106 17	
To less amount of cash, page 24, report.....	\$66,842 13	
To less amount of assumpsits, page 24, report.....	37,561 68	
	<u>104,403 81</u>	
		\$176,702 36
To amount of accounts on mem. book, page 36, report	\$8,070 29	
To less cash in said accounts, page 36, report.....	\$642 40	
To less assumpsits in said accounts, page 36, report....	881 37	
	<u>\$1,523 77</u>	
		6,546 52
To amount of cash sales, page 40, report	\$67,534 88	
To less received on account, page 40, report.....	3,231 43	
	<u>64,303 45</u>	
To bills receivable, page 50, report		4,707 34
To amount of items constituting assets, page 50, report		1,349 38
To interest account, page 46, report.....	\$354 31	
To less by amount charged in accounts, page 46, report	260 24	
	<u>94 07</u>	
		<u>\$253,703 12</u>
CREDITS.		
By amount of expenses, ledger A, page 51, report	\$178,361 96	
By amount of expenses taken from mem. book, page 55, report	\$2,462 37	
By amount of expenses taken from ledger A, page 57, report	1,455 54	
By amount omitted to be posted from journal C, page 57, report	312 15	
By amount of interest paid O. Belt, day-book D, page 57, report....	157 31	
By amount furnished by Scott, page 58, report.....	4,359 00	
	<u>8,746 37</u>	
Amount carried forward		<u>\$187,108 33</u>

1825 to 1834—Joel Scott, Keeper.

Amount brought forward		\$187,108 33
By amount of double charges, page 59, report.....	\$3,174 94	
By State of Kentucky, this amount paid discharged prisoners in cash, \$5 each, page 60, report	1,203 13	
By State of Kentucky, this amount paid discharged prisoners in extra clothing, \$10 each, page 57, report.....	2,750 00	
By State of Kentucky, this amount paid for recapturing convicts escaping from prison, page 57, report.....	2,150 00	
By Dr. Sharp's bill, as physician, page 57, report.....	1,037 72	
By thirty-four cells, page 60, report	2,116 80	
By outer wall, page 60, report.....	1,546 81	
By preaching and school teaching, page 61, report	462 21	
		14,541 61
		\$172,566 72
By balance, as net profits of institution.....		81,136 40
		\$253,703 12

JOEL SCOTT, Keeper, &c.,
In account with the State of Kentucky, in the profits of the Kentucky Penitentiary.

DEBIT.	
To balance, as net profits of institution.....	\$81,136 40
	\$81,136 40
CREDITS.	
By Joel Scott's share of profits, being the one half	\$40,568 28
By State of Kentucky's account, less amount of loan.....	32,290 40
By balance of profits due the State of Kentucky.....	8,277 80
	\$81,136 40

JOEL SCOTT, (Kentucky Penitentiary,)
In account with the State of Kentucky, for loan from the State to former.

DEBITS.	
To amount of loan.....	\$6,131 00
To interest to 31st of March, 1829.....	1,131 00
	\$7,262 00
CREDITS.	
By State's account deducted.....	\$6,131 00
By interest paid Treasurer.....	1,131 00
	\$7,262 00
DEBITS.	
To amount of loan paid in account	\$6,131 00
To amount of interest paid Treasurer	1,131 00
	\$7,262 00
CREDITS.	
By amount of loan.....	\$6,131 00
By interest to the 31st day of March, 1829.....	1,131 00
	\$7,262 00

NOTE.—The above balance of \$8,277 80 includes all the uncollected debts, and whatever amount remains uncollected should be deducted from the amount of net profits before the actual balance due from Scott can be ascertained; or, which will be the same in effect, one half of the uncollected debts to be deducted from the above balance.

1825 to 1834—Joel Scott, Keeper.

Alphabetical List of Convicts sent to the Penitentiary from 1825 to the close of the year 1834.

Names.	Crimes.	County.	Year.	Duration of Sentence.	Pardons, &c.
Alley, William	Counterfeiting	Henderson	1825	4 years.	
Acton, Uriah	Murder	Garrard	1825	3 years.	
Abrahams, William M.	Negro stealing	Fayette	1827	4 years and 6 months	Escaped;—retaken.
Adams, William	Felony	Daviess	1828	1 year.	
Anderson, James	Felony	Harlan	1828	2 years.	
Adkins, Enoch	Horse stealing	Lawrence	1831	4 years	Pardoned.
Anderson, John	Felony		1832	4 years.	
Anthony, Robert	Murder		1832	5 years and 6 months	Pardoned.
Arnold, William	Horse stealing		1833	4 years	Died.
Ashley, Nelson, f. m. c.	Felony		1834	2 years.	
Algeo, William	Counterfeiting		1834	2 years	
Bradley, Thomas			1825	4 years	Hung for murder of Edmund Johnson on 25th August, 1826.]
Boyd, George	Felony	Jefferson	1826	1 year.	
Butler, Griffin, f. m. c.	Felony	Franklin	1827	1 year.	
Bradford, John	Felony	Jefferson	1827	1 year.	
Bradley, James	Horse stealing	Adair	1827	4 years.	[breaking out. Killed by the guard after
Brockvey, Gustavus	Highway robbery	Clarke	1827	10 years	Pardoned.
Brandon, Charles	Counterfeiting	Calloway	1829	4 years	
Burges, Thomas, f. m. c.	Horse stealing	Christian	1828	1 year.	
Bradshaw, Charles	Felony	Mason	1828	9 years	Deceased.
Barnet, George	Felony	Jefferson	1829	2 years.	
Brown, George, f. m. c.	Horse stealing	Jefferson	1828	5 years	Pardoned.
Boone, Daniel	Horse stealing	Fayette	1828	4 years.	
Bradford, John	Felony	Fayette	1828	4 years.	
Bland, John	Felony	Monroe	1828	1 year.	
Baldwin, William	Felony	Hart	1828	2 years	Escaped;—retaken.
Bryant, John	Felony	Harlan	1829	4 years.	
Bruner, Levi	Felony	Boone	1830	2 years.	
Bartlett, John	Felony	Jefferson	1831	2 years.	
Barnett, George	Felony	Jefferson	1830	3 years	Died of cholera.
Bates, Levi	Larceny	Campbell	1830	1 year.	
Brown, Henry			1832	2 years	Died of cholera.
Boyle, Lawrence			1832	1 year.	
Bisfield, Frederick	Felony		1832	2 years	
Berry, Albert			1832	2 years	Pardoned.

1825 to 1834—Joel Scott, Keeper.

ALPHABETICAL STATEMENT—Continued.

Names.	Crimes.	Counties.	Year.	Duration of Sentence.	Pardons, &c.
Baldridge, Eli	Felony		1832	2 years	Pardoned.
Bruner, Levi	Counterfeiting		1833	3 years.	
Burton, Isaac	Felony		1834	4 years.	
Bemiss, John			1834	2 years.	
Baldwin, Samuel G.			1834	2 years.	
Clark, Abner	Horse stealing	Jessamine	1825	4 years.	
Cudver, James			1825	1 year and 9 months.	
Campbell, William H.	Felony	Mason	1825	4 years	Pardoned.
Conway, Hugh	Murder	Gallatin	1827	4 years	Pardoned.
Conry, John	Felony	Trigg	1827	2 years.	
Chinowick, Enoch	Felony	Jefferson	1827	2 years	
Carter, George	Murder	Garrard	1827	3 years.	
Clegham, John P.	Rape	Pulaski	1827	10 years.	
Curtis, Joseph	Felony	Warren	1829	1 year and 1 day.	
Cropwhite, Elijah	Counterfeiting	Fayette	1829	4 years.	
Clemens, Arthur	Felony	Jefferson	1830	2 years.	
Casteale, John			1830	1 year	Pardoned.
Culver, Jas. [lins, Jno.	Felony	Bullitt	1825	1 year and 8 months.	
Cramer, Daniel, alias Col-	Felony	Jefferson	1832	2 years.	
Canada, Stephen	Felony	Adair	1830	1 year.	
Cools, Frederick	Felony		1830	1 year and 1 day.	
Camron, Mark	Felony	Jefferson	1830	3 years and 6 months.	
Casady, Edward	Felony		1831	5 years.	
Cook, Wesley	Felony	Butler	1832	1 year.	
Carrol, John			1832	1 year.	
Cox, Nathan	Felony		1833	1 year and 1 day.	
Cotrell, Presly	Larceny		1834	1 year.	
Chartlon, James	Negro stealing		1833	2 years.	
Conley, Henry	Counterfeiting		1833	4 years	Pardoned.
Chalfant, Amos	Felony		1834	1 year	Pardoned.
Cain, Richard			1834	3 years	Died.
Connell			1834	2 years.	
Covington, John L.	Murder		1834	2 years	Pardoned.
Carter, Eli	Felony		1834	2 years.	
Coulter, Lewis			1834	11 years.	Died.

1825 to 1834—Joel Scott, Keeper.

Cotterland, E.	Burglary	Henry	1834	3 years	Pardoned.
Dunn, James	Felony	Wayne	1825	2 years	Pardoned.
Dougherty, Otta	Horse stealing	Clarke	1826	4 years	Escaped;—retaken.
Dunbar, George	Felony	Jefferson	1827	10 years	
Dwight, David	Felony	Henry	1828	1 year	Pardoned.
Davison, Joseph	Felony	Jefferson	1828	3 years	
Duncan, James F.	Felony		1829	2 years	
Dwight, William			1828	1 year	
Donoho, Edward	Negro stealing	Madison	1829	2 years	
Daniel, John	Perjury	Harlan	1829	2 years	Pardoned.
Davidson, James	Burglary	Gallatin	1831	2 years	
Dixon, A. H.			1830	1 year	Pardoned.
Dunlop, Joseph			1831	3 years	
Doyle, Simon			1833	2 years	
Deck, Christopher			1833	4 years	
Dougherty, Ottho	Horse stealing		1834	4 years	
Dyer, Corbin	Horse stealing		1834	4 years	Di. d.
Dickerson, Samuel			1834	2 years	
Elliott, Peter	Felony	Livingston	1825	2 years	
Edwards, James			1828	8 years	
Everett, Thomas	Murder	Graves	1828	1 year	
Eli, Thomas	Felony	Hickman	1830	3 years	
Entriken, John	Murder	Calloway	1826	2 years	
Elliott, Reuben	Negro stealing	Hickman	1827	3 years	
Empy, Ben.	Felony		1834	3 years	
Freeman, John	Felony		1834	2 years	
Feltner, James	Felony	Knox	1825	2 years	Two terms.
Falkner, James	Rape	Madison	1827	4 years	Escaped.
Fox, Benjamin	Horse stealing	Christian	1827	10 years	Pardoned.
Foster, James	Felony	Warren	1827	4 years	
Floyd, Benjamin	Bigamy	Jefferson	1827	8 years	Escaped;—retaken.
Fitchpatrick, John	Felony	Green	1829	3 years	Died.
Free, Samuel	Felony	Hart	1829	1 year	
Frost, Jonas	Felony	Jefferson	1829	1 year	
Fannin, James E.	Felony	Jefferson	1830	2 years	
Fry, William	Horse stealing	Fayette	1830	4 years	
Fox, B. P.	Stabbing	Lewis	1831	1 year	Pardoned.
Francis, Jacob	Felony		1831	10 years	Escaped.
Fisher, B. C., or Rutherford			1832	2 years and 6 months.	
Flynn, James			1832	2 years	
French, Samuel			1833	1 year	
			1833	2 years	

ALPHABETICAL STATEMENT—Continued.

1825 to 1834—Joel Scott, Keeper.						
Names.	Crimes.	County	Year.	Duration of Sentence.	Pardons, &c.	
Fisher, P. N.			1833	1 year.		
Fox, William			1833	2 years.		
Fraker, Elias			1834	1 year	Pardoned.	
Free, Samuel			1834	7 years.		
Foley, James			1834	1 year.		
Goodin, John		Knox	1825	2 years	Pardoned.	
Garland, Samuel		Whitley	1826	4 years.		
Garland, Ambrose		Whitley	1826	2 years	Pardoned.	
Givens, Edward		Mason	1827	2 years.		
Garratt, Thomas		Jefferson	1827	4 years	Escaped;—retaken.	
Gibany, Abner		Livingston	1829	2 years.		
Green, James		Woodford	1829	3 years.		
Goodwin, Christopher		Jefferson	1829	1 year	Pardoned;—sent for seven	
Geesland, William		Hardin	1830	4 years.	[years in 1830.	
Griffin, Alvin		Fayette	1830	2 years.		
Gaddis, Denls.		Nelson	1830	4 years.		
Goodwin, Christopher		Jefferson	1830	2 years.		
Gray, P. M.			1834	1 year.		
Gallagher, William			1834	1 year and 8 months.		
Harding, John		Jefferson	1825	2 years	Pardoned.	
Howard, Peter			1825	2 years.		
Hvatt, Gilbert		Boone	1825	1 year.		
Holeman, William		Estill	1825	1 year.		
Holeman, John			1825	1 year.		
Haten, Edmund		Warren	1825	2 years.		
Henderson, Isaac, f m. c.		Madison	1825	3 years.		
Holenun, William		Estill	1826	7 years	Pardoned.	
Hill, Robert J.		Bourbon	1826	2 years.		
Holan, John		Garrard	1827	4 years	Pardoned.	
Harris, Benjamin		Scott	1827	2 years		
Huff, Simeon H.		Todd	1827	4 years	Pardoned.	
Holbrook, William		Owen	1828	1 year	Pardoned.	
Hick, Isaac		Calloway	1829	4 years	Pardoned.	
Hollaway, alias Wm. Myers			1829	4 years.		
Hambell, James		Lawrence	1829	1 year.		

1825 to 1834—Joel Scott, Keeper.

ALPHABETICAL STATEMENT—Continued.

Names.	Crimes.	County.	Year.	Duration of Sentence.	Pardons, &c.
Lane, Benjamin	Murder	Washington	1821	1 year.	Pardoned.
Lanker, Harrison			1821	2 years	
Lockheart, Henry			1821	2 years and 6 months	
Love, John			1833	1 year.	
Lewis, Job			1833	5 years.	
Lee, Charles	Felony		1834	3 years	Died in 1837.
McAllister, John	Horse stealing	Montgomery	1826	4 years.	
Morgan, George	Maiming	Wayne	1826	4 years and 4 days.	
Miller, James	Felony	Macon	1826	4 years	Pardoned.
Martin, Luther	Felony	Shelby	1826	1 year.	
Maik, William	Felony	Lincoln	1826	4 years	Pardoned.
Mayche, Smith			1827	2 years.	
McCoy, John	Felony	Greenup	1827	2 years.	
McCullough, Michael	Murder	Jefferson	1827	5 years.	
McGill, James	Highway robbery	Clarke	1827	10 years.	
McCluer, Francis	Horse stealing	Scott	1827	2 years.	
Mills, John	Burglary	Washington	1827	3 years.	
McMaine, James	Horse stealing	Bullitt	1828	4 years.	
Mackay, John	Forgery	Fayette	1828	2 years.	
Moore, John	Felony	Mason	1828	4 years	Deceased.
Mayhe, John			1829	1 year.	
McGlasson, James	Felony	Campbell	1829	1 year	Pardoned.
Mays, W. J.	Larceny	Jefferson	1829	2 years.	
McCoy, John	Felony	Lewis	1829	2 years	
Moore, John	Felony	Jefferson	1829	1 year and 6 months.	
McClintic, James	Felony	Jefferson	1830	2 years.	
Martin, Thomas	Robbery	Wayne	1830	3 years	Pardoned.
Martin, Robert	Robbery	Wayne	1830	3 years	Deceased.
Martin, Jefferson	Robbery	Wayne	1830	3 years	Pardoned.
McGaukey Daniel			1830	10 years	Deceased.
M'Pherson, Jno., alias Mays	Forgery	Bourbon	1829	2 years.	
Maythe, John	Felony	Fleming	1830	3 years.	
Minor, Cymes	Felony	Mercer	1830	1 year	
McCoy, John	Felony	Mason	1830	3 years and 7 months.	Pardoned.
Myers, Joseph	Horse stealing	Jefferson	1831	2 years.	

1825 to 1834—Joel Scott, Keeper.

Mitchel, Peter	Felony	Jefferson	1831	1 year.	Pardoned.
Main, James	Felony	Jefferson	1832	4 years.	
Moore, Henry	Felony	Jefferson	1831	2 years	
McCurdy, Ford			1 31	1 year.	
Mangham, M. H.			1833	3 years.	
Miv, Smith			1833	10 years.	
McKenzie, John			1833	4 years.	
McCullough			1832	1 year.	
Martin, of color			1833	2 years.	
Maxey, Joseph	Felony		1834	5 years	Pardoned.
Moffit, John	Horse stealing		1834	4 years.	
McCoy, Felix	Felony		1834	1 year.	
McCarty, William	Felony		1834	1 year and 6 months.	
McCurdy, F. Abner	Felony		1834	1 year.	
Miller, Philip	Felony		1834	7 years	Pardoned.
McCay, Daniel	Felony		1834	3 years	Escaped;—retaken.
Mix, John			1834	1 year.	
Marks, James			1834	2 years.	
Nostrand, Samuel	Burglary	Jefferson	1825	5 years.	
Norton, Thos. S.	Horse stealing	Jefferson	1826	4 years	Pardoned.
Neames, William	Maiming	Jefferson	1826	1 year	Pardoned.
Nash, Edward	Murder	Nelson	1828	2 years.	
Nash, Edward			1831	1 year.	
Oder, Martin	Horse stealing	Harrison	1825	4 years.	
Oneil, John C.	Felony	Jefferson	1830	1 year.	
Osborn, Barth	Felony	Owen	1831	2 years.	
O-born, Richard	Felony	Owen	1831	2 years.	
O'Neal, James	Larceny		1834	2 years.	
Patrick, Costby H.	Felony	Calloway	1825	3 years.	
Patterson, Robert	Hog stealing	Jefferson	1826	2 years.	
Palliam, John L.	Hog stealing	Warren	1827	5 years.	
Parton, Charles	Horse stealing	Calloway	1829	4 years.	
Pearson, Samuel	Murder	Gallatin	1829	1 year and 6 months.	
Parkerson, Milton	Horse stealing	Calloway	1829	1 year.	
Parlle, Roland			1831	3 years.	
Paton William	Felony	Clarke	1826	5 years	Pardoned.
Plummer, William	Burglary	Gallatin	1831	3 years	Pardoned.
Patcherson, David			1832	3 years.	
Piercefield H.			1832	4 years	Died of cholera.
Peter, Jeffrey			1830	9 years.	
Pearce, James			1833	1 year and 6 months	Died of cholera.
Paul, Allen			1833	1 year.	

ALPHABETICAL STATEMENT—Continued.

1825 to 1834—Joel Scott, Keeper.

Names.	Crimes.	County.	Year.	Duration of Sentence.	Pardons, &c.
Penche, John	Horse stealing	-----	1833	4 years.	Pardoned.
Petcher, Jonathan	Felony	-----	1834	4 years.	
Patterson, James W.	Maiming	-----	1834	2 years	
Quainley, Shaderrick	Felony	Christian	1830	1 year	
Quainley, Martin	Felony	Jefferson	1831	3 years.	
Roberson, Joseph	Felony	Franklin	1826	2 years.	
Robert, James	Felony	Fayette	1827	1 year.	
Roland, Thomas	Forgery	Clarke	1827	2 years.	
Reese, Solomon	Burglary	Bracken	1827	3 years.	
Roberson, William	Horse stealing	Harrison	1828	4 years.	
Redman, M.	Felony	Shilby	1829	1 year and 6 months.	Pardoned.
Reas, William	Felony	Jefferson	1829	1 year.	
Rollenback, John	-----	-----	1830	3 years.	
Risley, Ebenezer	-----	-----	1830	1 year.	
Royce, William	Horse stealing	Campbell	1830	5 years.	
Richardson Richard	-----	-----	1831	4 years.	
Raubedien, Adaline	Felony	Jefferson	1830	1 year	
Robinson, George	Felony	Pike	1831	1 year and 3 months	
Riley, John	-----	-----	1831	3 years.	
Russel, Willis	-----	-----	1832	3 years	Pardoned.
Russel, Hiram	-----	-----	1832	10 years.	
Ramsey, Lydia	-----	-----	1833	1 year and 6 months	
Richard, Dudley	-----	-----	1833	4 years	
Rockwell, Ralph	Felony	-----	1834	5 years	
Richardson, Richard	Felony	-----	1834	5 years and 8 months.	
Stuart, William	Burglary	Henderson	1825	6 years.	
Steele, Hiram	-----	-----	1826	2 years.	
Scroggum, John	Murder	Fayette	1826	4 years and 10 months.	
Stovall, George	Negro stealing	Logan	1826	2 years.	Pardoned.
Smith, Theo.	Murder	Nicholas	1826	4 years.	
Smith, William	Felony	Pike	1826	2 years.	
Salmons, Lewis	Felony	Floyd	1827	3 years.	
Simpson David	Felony	Warren	1827	1 year.	
Stokes, James	Murder	Jefferson	1827	7 years.	
Stone, Samuel	Felony	Floyd	1827	2 years.	

1825 to 1834—Joel Scott, Keeper.

ALPHABETICAL STATEMENT—Continued.

Names.	Crimes.	County.	Year.	Duration of Sentence.	Pardons, &c.
Ward, Bennett	-----	-----	1828	2 years and 3 months.	-----
Ward, John	Murder	Madison	1829	1 year and 1 month.	-----
Wright, James	Felony	Jefferson	1830	2 years	Pardoned.
Webb, James	Horse stealing	Lincoln	1830	4 years.	-----
Wright, Thomas	Felony	Jefferson	1830	1 year.	-----
Wright, Samuel	Felony	Jefferson	1830	3 years.	-----
Williams, Henry	-----	-----	1831	4 years.	-----
Wright, James	-----	-----	1831	1 year	-----
Wilson, James	-----	-----	1831	4 years	Pardoned.
Wooldridge, John	-----	-----	1832	3 years.	-----
Welch, John	-----	-----	1832	1 year.	-----
Williams, Pleasant	-----	-----	1833	4 years.	-----
Wright, Ephrim	-----	-----	1833	1 year.	-----
Williams, Lewis	-----	-----	1833	4 years.	-----
Watkins, Am'd	-----	-----	1833	1 year.	-----
Williford, Willis	Felony	-----	1834	1 year.	-----
Woods, William	Felony	-----	1834	7 years.	-----
Woods, Alexander	Felony	-----	1834	2 years.	-----
Williams, John	-----	-----	1834	2 years.	-----
Williams, John A.	Felony	-----	1834	1 year.	-----
Wilson, David	Felony	-----	1834	1 year.	-----
Young, James	Felony	-----	1834	3 years.	-----

In this list, the names, crimes, the counties sent from, the year, the duration of sentence, the pardons, escapes, and deaths, are given as far as it was practicable to obtain such information from the prison books. Many of the names are without the necessary data to make the table perfect, so as to show the number from each county and the particular crimes for which they were sent.

In the succeeding chapters, full particulars will be given on all points of interest in such matters.

Number of convicts received in 1825, 25; 1826, 28; 1827, 40; 1828, 31; 1829, 43; 1830, 43; 1831, 39; 1832, 26; 1833, 33; 1834, 48. Total in ten years, 356.

1825 to 1834—Joel Scott, Keeper.

Criminal prosecutions cost, from 1820 to 1835, inclusive, the following sums per annum, viz:

For the year 1821	\$10,000 00	For the year 1829	\$14,660 91
For the year 1822	10,904 50	For the year 1830	15,107 10
For the year 1823	13,444 43	For the year 1831	13,378 62
For the year 1824	18,000 00	For the year 1832	16,103 66
For the year 1825	17,425 17	For the year 1833	12,119 29
For the year 1826	13,375 51	For the year 1834	14,930 16
For the year 1827	21,286 28	For the year 1835	12,351 15
For the year 1828	25,000 00		
		Total in 15 years	\$296,086 28

The particular items for which the above sums are paid, according to the Auditor's reports, are as follows, taking the year 1834 as a specimen:

CRIMINAL PROSECUTIONS, 1834.

Constables conveying criminals to jail	\$82 59
Constables apprehending criminals	1,368 40
Constables summoning witnesses	359 78
Constables whipping criminals	60 77
Guards, for guarding criminals in jail and to the penitentiary	3,121 97
For the attendance of venire men	4,124 00
For the attendance of witnesses	2,887 62
Sheriffs summoning venires	498 84
Sheriffs summoning witnesses	692 03
Sheriffs apprehending criminals	360 00
Sheriffs conveying criminals to jail	1,246 42
Sheriffs executing processes for contempt	10 93
Sheriffs for hanging condemned persons	36 25
Coroners summoning witnesses	1 05
Coroners summoning venires	7 00
Coroners apprehending criminals	2 00
Coroners attending court	18 00
	\$14,877 66

The above table does not include the salaries paid the county jailers, nor for slaves executed.

MEMOIR OF MR. JOEL SCOTT.

Mr. Joel Scott was born near Abingdon, Virginia, on the 15th of November, 1781. His father, John Scott, was born in the county of Culpepper on the 26th of June, 1743; his grandfather, Thomas Scott, (whose parents were of Scotch descent,) having emigrated from England to the then colony of Virginia, at a still earlier period, where he raised three other sons, viz: Thomas, James, and George, who were respectable farmers in the counties of Culpepper, Orange, and Halifax, Virginia.

On the 25th of October, 1770, Mr. John Scott was married to Miss Hannah Early, of Culpeper county, Va. He was an active participant in the patriotic scenes of the American Revolution, and was in the battle of King's Mountain. In the fall of the year 1785, he emigrated westward, and passing through the "wilderness," he located on the banks of North Elkhorn creek, in what was first called Woodford, but now Scott county, Ky., near the Great Crossings. Besides servants, he brought with him his seven children, of whom the subject of this notice was next to the youngest, being then about six years of age.

After many conflicts with the savages and wild beasts of that early day, and after having subdued a large farm from the forest and the cane brake, the venerable pair were laid to rest, at an advanced age, in the family burying ground on their former homestead, having raised nine children; six of them to manhood, and to respectable positions in society.

Of course the subject of this notice was doomed to an active participation in all of the trials, privations, and hardships of wilderness life at that early day; but he was also prompt to avail himself of the few and limited opportunities for improvement and mental cultivation which were available. Having proven his capacity for business by the successful management of his father's farm during his absence, he was married on the 24th day of December, 1805, to Miss Rebecca

 1825 to 1834—Joel Scott, Keeper.

R. Wilmott, the accomplished daughter of Col. Robert Wilmott, of Bourbon county, Kentucky, formerly an officer of the army in the American Revolution, from the city of Baltimore, and later in life for many years a Representative from Bourbon county in the Kentucky Legislature, and a member of the Convention which formed the second Constitution of the State. Soon after his marriage, Mr. Scott, prompted by his native genius and taste for mechanical establishments, built, near his paternal home on Elkhorn, a mill for fulling and dressing cloth, and for the manufacture of blankets, broadcloth, &c. Under his skillful management and persevering industry, aided by the war with England which prevailed at the time, his mill became a highly popular and useful establishment in all of that region of the country.

In the year 1817 he sold his mill, and his farm adjacent to it, and removed, with his wife and two sons, John R. and Robert W. Scott, to Georgetown, Ky., where he engaged in merchandise, and with his increased capital again established a mill for the manufacture of jeans, cotton yarn, &c.

Whilst residing in Georgetown, Mr. Scott was called upon to endure the deepest affliction of his life in the death, by fever, of the partner of his bosom, with whom he had always lived most affectionately and happily.

On the 24th day of October, 1821, he was again married to the widow of Gen. R. M. Gano, of Scott county, a lady eminent for her many virtues, and altogether suitable and acceptable.

Impelled by a desire to engage in still larger mechanical operations, and confident of his capacity to manage men, he applied to the Legislature of Kentucky for the office of keeper of the penitentiary. In making this application he was influenced not a little by a desire to achieve some good to the public by a complete reorganization of that institution, which, up to that time, had been only a school of immorality, and an expense and disgrace to the State. Although he offered to guarantee a clear profit of at least one thousand dollars per annum to the State, yet so incredulous was the Legislature of the practicability of so great a change, that the institution was granted to him with some hesitation in 1824-5.

But under his unremitting industry and judicious management a complete reformation was accomplished. The institution became not only a place of punishment, but also a school for the repentance and reformation of the inmates, and a source of large pecuniary profit to the State. Mr. Scott was reappointed in 1832, and continued to hold the office as long as he wanted; resigning, on account of ill health, a part of his unexpired term in 1834: having paid into the treasury of the State more clear profit, in proportion to the number of prisoners, than any other keeper before or since.

Though thronged with the cares and duties of prison management, Mr. Scott was blessed, about this time, with one of the most important and agreeable incidents of a long life, in which remarkably few events have occurred for sorrow and regret. On the 12th day of February, 1827, he professed religion under the ministry of the Rev. S. M. Noel, and was by him baptized into the fellowship of the Baptist Church in Frankfort, and was not long after made a licentiate of that church. When, in 1834, he removed from Frankfort to his farm in Woodford county, Ky., he took his letter of dismissal from the church in Frankfort to the Forks of Elkhorn Church, Franklin county, of which he still continues to be a communicant, attending as often as his infirm health and advanced age will allow. Though actively engaged in business, he has always found time to engage in his duties as a professor of religion, whether of the fireside or public assembly; attending associations, church and revival meetings, and occasionally engaging in public prayer and exhortation with much unction and power. He was actively instrumental in securing the Pauling donation for Georgetown College, being among the first and most active trustees of that prosperous institution.

Mr. Scott never evinced any desire for the turmoil of public life, never having been a candidate for any political office. Though he was a firm and consistent Whig, he was charitable to other parties; believing it to be his duty, as a citizen, to select public officers, rather with a view to the purity of their private lives and their capacity for public usefulness, than by their professions of party policy.

Though subject to the infirmities which naturally pertain to his advanced age, Mr. Scott (and his venerable consort) resides upon his farm in Woodford county, which he manages with skill and success: in the possession of an ample fortune, in the vicinity of his sons, without a known enemy in the world; surrounded by attached neighbors and friends, whose confidence and esteem he has won by a long life of industry, virtue, honor, and piety.

[Mr. Scott died at his residence on the 28th June, 1860, aged 78 years.]





Hart & Mapother Lith. Louisville Ky

BIRDS-EYE VIEW. FROM BLANTON'S HILL.

1890.

Photographed by C. A. Harris resident

1834 to 1844—Thomas S. Theobald, Keeper.

CHAPTER V.

1834 TO 1844—THOMAS S. THEOBALD, KEEPER.

The history of this penitentiary has demonstrated conclusively that it requires years of unremitting labor and vigilance to produce practical and beneficial results through the influences of these disciplinary institutions.

Society here, as elsewhere, has, for the last half century, been alternately perplexed and encouraged, defeated and successful, respecting the two great questions—How shall the criminal and pauper be disposed of, in order to reduce crime and reform the criminal, on the one hand, and, on the other, to diminish pauperism and restore the pauper to useful citizenship. Nothing more truly tests the degree of progress which a people has made in true civilization than the respect which it shows to humanity, by raising up and tenderly caring for those who, in the earlier and ruder march of society, are trampled under foot, or left behind to perish. Though we have made some progress in the attainment of these ends, all know that society is yet far from realizing their accomplishment. We should accord earnest and grateful praise to those who have procured the benefits at present possessed, and with careful zeal we should endeavor to advance a work which after generations must toil to perfect and complete. With the rapid increase in population, our State has had, like all other communities, an increase of crime and its concomitants. Commencing early in the history of the Union, she can boast of laws for the prevention and correction of crime creditable to the pioneers; who not only cleared the forest and made it "blossom as the rose," but who have left other marks of their greatness which shall be as lasting as the green hills which skirt her borders.

The time has arrived when the great benefactors of individuals and of communities must put forth the strength and energies which the times require. These benefactors are the educators. These are they who, working effectively and effectually, reduce the crowded cells and apartments of our prisons and our alms-houses, and raise impregnable defenses against the inroads of idleness and vice, poverty and crime. Men need knowledge in order to overpower their passions and master their prejudices. If we would ever learn the causes of crime, we must first begin with the youth, and trace him up through the various circumstances of temptation to which he has been exposed; and if we would hope to elevate his condition, it must be done through a spirit of kindness, showing him that it is for his good, as well as for the good of that public which he has wronged, that he is punished. Let the conscience be enlightened; let accountability and responsibility be demonstrated; and, added to this, let the intelligent, the prosperous, and the elevated in rank, be elevated by justice, uprightness,

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kindness, and strong integrity—and the humble, the lowly, *the weak*, of whom there are so many, and who are so sorely tried and tempted, will have powerful aid in maintaining their virtue, in resisting vice, and in forbearing crime. These thoughts seemed appropriate at the beginning of this chapter, and are modestly presented for whatever value may be given them.

SYNOPSIS OF THE ACT UNDER WHICH MR. THEOBALD TOOK CHARGE OF THE INSTITUTION.

The preamble and first two sections of this act related to Mr. Scott, and have been printed on pages 195–6 of this report.

Section 3d of this act provided for the election of a keeper or keepers to succeed Mr. Scott, to hold the office until the 1st day of March, 1839, and have the whole and sole management of the institution, subject, however, to removal by the Legislature whenever he or they failed to manage the institution in such manner as the interest of the State required.

Sections 4th, 5th, and 6th provided that the sum of \$6,000 should be advanced to the said keeper or keepers in raw materials and cash, out of the first sale of manufactured articles in the penitentiary, upon which he or they were to pay six per cent. interest, and to pay the whole back at the expiration of his or their term, &c. They were to employ four or more guards, with the approbation of the Governor, and also one or more persons to act as clerk or clerks; whose duty it was to keep a true and faithful account of all the transactions of the institution, &c., and make a just report of the same when legally required. The approbation of the Governor was required before the clerk could act, and he was required to take an oath before some justice of the peace, faithfully and impartially to discharge the duties of clerk of the penitentiary.

Section 7th provided that said keeper or keepers might erect in said institution, free of cost to the State, machinery for the manufacture of wool, cotton, or other articles deemed best calculated to promote the interest of the institution; the labor of the convicts to be used in the erection of said improvements, and the same to be, at the expiration of the term of the keeper or keepers, the property of the State.

Section 8th and 9th made it the duty of the keeper or keepers annually, and during the first week of the Legislature, to render a just account of the condition of the institution; exhibiting therein accurate statement of the debts, credits, and balances, for or against the institution, and to keep the books ready for inspection, &c. They were to take upon them or himself the entire management of the institution; to procure raw materials; to dispose of the manufactured articles, &c.; to provide for clothing, feeding, and guarding the convicts, &c., and see that accurate accounts, &c., were kept by the clerk.

Sections 10th, 11th, and 12th provided that the keeper or keepers should receive one half of the net profits of the institution; no machinery erected

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was to be taken into the account. He was to take an oath faithfully and impartially to discharge the duty of keeper, and to enter into bond, in the office of Secretary of State, with five or more securities, to be approved by the Governor, in the penal sum of fifty thousand dollars, payable to the Commonwealth of Kentucky, conditioned for the faithful performance of the duties of keeper, &c., according to law, and perform all duties imposed by this act; and to refund the six thousand dollars, as provided by this act, to be advanced by the State, with interest; and that he or they would pay into the treasury, from time to time, such proportion of the profits of said institution as might be due to the State, &c.; which bond shall be filed with the Auditor, and might be sued upon, on behalf of the Commonwealth, as often as the conditions thereof might be violated. In case of the death of the keepers before qualifying, the Governor might appoint some one to fill the place.

Sections 13th, 14th, and 15th provided that the Auditor, Treasurer, Register, and Attorney General, be appointed a board of visitors, whose duty it was made to visit the institution as often as they might deem proper, and at least once in each month, and make an examination of the state of the same, the health of the convicts, the manner of dieting them, the cleanliness of the cells, and the treatment of the convicts generally, and make such report to the Legislature as the condition of the institution might require. The exercise of the right of reprieve or pardon by the Governor was not to be considered a violation of the provisions of this act. In case the State's portion of the net profits of the institution, for any one year, should fall short of \$1,000, the keeper was to make up the deficiency, &c. Hereafter each convict, when discharged, was to be paid the sum of five dollars out of the profits of the institution.

Sections 16th and 17th authorized the keeper to erect certain buildings in the institution, agreeable to plans suggested by the Governor, to be charged to the Commonwealth. The commissioners allowed two dollars per day for their services in making valuation, &c., according to the provisions of this act.

Mr. Theobald having been elected keeper by the Legislature, entered upon the duties of his charge on the 10th day of March, 1834. The highly favorable condition in which Mr. Theobald found the institution enabled him to manage its affairs with greater facility and success than any of his predecessors had ever been able to do. He was well qualified for the position of keeper, having been engaged in the management of manufacturing establishments previously; and being a man of sound business acquirements, of bland and easy manners, he soon became well known, and very popular with the citizens of Frankfort and the business community generally. He took with him into the institution a corps of efficient assistants, guards, and clerks, and in every way made the necessary

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arrangements for the successful management of the institution and those placed under his care.

It will be seen that his annual reports are model productions of the kind, filled with full and satisfactory details as to the business transactions of the institution, and containing a mass of statistical matter of great value to the moralist and philanthropist.

The following extract from the annual message of Gov. Morehead to the Legislature at its next annual meeting after the election of Mr. T. to the office of keeper, speaks in favorable terms of the condition of the institution. He says:

“The affairs of the penitentiary, whether viewed in their connection with the finances or the administration of the criminal justice of the State, are entitled to your attentive consideration. I am gratified in having it in my power to inform you, that under the administration of the enterprising gentleman to whose care it has been assigned, it is realizing the objects that may have been expected to result from the present mode of its disposal. Its organization is well adapted to comfort as well as security; its general health good; and while all reasonable indulgence is allowed to the inmates suitable to their unfortunate condition, the discipline of the prison is admirably preserved, and its internal polity conducted with commendable skill and judgment. The introduction of new and improved steam enginery, on the plan designed by the agent, will contribute largely to the facilities and profits of the manufacturing department. Owing to the entire failure, early in the season, of the engine heretofore in use, it became necessary that its place should be supplied by a new one; the cost of which to the agent was one thousand and sixty-five dollars. The delay thus occasioned, together with the employment of the convicts in the construction of an entire new building for work-shops and other purposes, on a scale of greater convenience and utility, may have produced some diminution in the profits of the institution during the year; but such is the high estimation in which the manufactured fabrics are held, that while it has been found to be impracticable to supply the public demand, the aggregate proceeds will nevertheless yield a handsome revenue to the Commonwealth.”

It will be recollected that about the time Mr. T. took charge of the penitentiary, the business affairs of the country generally were in a highly prosperous condition; money was abundant, and easily obtained; trade of every kind was brisk; speculations in lands, produce, and every thing else, was never so seemingly prosperous, and the credit system was the order of the day from one end of the Union to the other. This state of things was kept up for the first six or seven years of Mr. T.'s term of keeper, and readily accounts for the large profits which he was able to declare from year to year. No keeper had ever had so favorable an opportunity to make money with the institution, and yet it will appear

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that neither he nor the State realized, in the final settlement, a large profit.

FIRST ANNUAL REPORT OF MR. THEOBALD.

“OFFICE OF THE KENTUCKY PENITENTIARY, }
“FRANKFORT, January 5th, 1835. }

“SIR: Please lay before the House, over which you preside, the following report on the condition of the Kentucky penitentiary for the year 1834. Very respectfully, your obedient servant,

“THOS. S. THEOBALD, A. & K. K. P.

“HON. C. A. WICKLIFFE, *Speaker of the House of Representatives.*

“On making my first annual report to the Legislature I feel gratified in stating that the general prosperity of this institution has fully realized every expectation of its friends. Its administration was, by law, confided to my agency on the tenth of March last, and this report will present a statement of its affairs up to the tenth of December last, embracing a period of nine months:

	Prisoners.
On the 10th of March there were then in confinement.....	71
Received since	51
	<hr/>
Total	122
Discharged since by expiration of sentence.....	20
By Executive pardon.....	10
By escape.....	2
	<hr/>
	32
	<hr/>
	90
	<hr/>

“The following tables, also, I beg leave to present, believing they will prove interesting and useful to the Legislature:

CRIMES OF PRISONERS.

Horse stealing.....	21
Larceny.....	43
Highway robbery.....	9
Manslaughter.....	1
Rape	1
Counterfeiting coin	1
Counterfeiting bank notes.....	4
Passing counterfeits.....	3
Maiming, with intent to kill.....	2
Kidnapping slaves	4
Mail robbery.....	1
	<hr/>
Total.....	90
	<hr/>

AGES.

Between sixteen and twenty years.....	9
Between twenty and thirty years.....	43
Between thirty and forty years.....	26
Between forty and fifty years.....	6
Between fifty and sixty-five years.....	6
	<hr/>
Total	90
	<hr/>

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NATIVITY.

Kentucky.....	24
Other States, U. S.....	51
Ireland.....	10
England.....	4
Canada.....	1
Total.....	90

EDUCATION.

Good.....	7
Ordinary.....	63
None.....	20
Total.....	90

"The following is an exhibit of the financial condition on the 10th of December last, viz: Its means are—

Raw materials on hand.....	\$5,793 36
Manufactured articles.....	3,994 55
Sundry debtors, for notes and accounts.....	9,109 09
Commonwealth, per account.....	702 38
Commonwealth, estimated for building new work-shops, &c., in the prison, under act of last session, not charged.....	3,000 00
Total.....	\$22,608 83

From which sum deduct its liabilities, viz:

Sundry creditors, for notes and accounts.....	\$2,376 15
Thos. S. Theobald, for credit on account.....	5,758 97
Sundry debts not rendered, estimated.....	4,000 00
Total.....	12,135 12
Showing in favor of penitentiary on the 10th day of December.....	\$10,473 71

"The result of a future settlement of the accounts will, doubtless, vary the amount of the *estimates* stated above, yet they are as accurate as can be made at this time. The building, for which three thousand dollars are charged above against the Commonwealth, is a large brick work-shop, &c., thirty-six feet wide and two hundred and thirty feet long.

"Owing to the failure of the old steam engine heretofore in use, I have purchased and put up a new one, of excellent quality, which drives a corn mill and other machinery.

"In choosing the branches of business for the application of *convict* labor, the following are the considerations of greatest weight: That the manufactured articles may be produced by the exercise of ordinary skill; the raw materials not subject to great waste; the products suited to general want and in demand; and yielding the largest profit from the least capital. With these views, the following are the branches believed best adapted to the institution, viz: Grinding corn, carding wool, and employing other machinery driven by a steam engine; wagon-making, blacksmithing, stone-cutting, chair-making and painting; boot and shoe making, tailoring, coopering, making bagging and bale rope; dying, weaving carpets, jeans, linsey, &c., &c., together with many collateral branches.

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"The raw materials employed are of the best quality, and the articles produced would, it is believed, do no discredit to the skill of any manufacturer of similar fabrics in the State. In some of the branches, indeed, such are their quality and reputation, that it is wholly impossible to supply the public demand.

"The discipline of the prison has been administered on principles similar to those practiced by my predecessor. In the exercise of that discretion, however, which the law vests in the keeper, I have ventured in some instances to depart from his practice; but I should be ungrateful not to acknowledge the aid which his judgment and experience alike qualified him to offer, and which was bestowed with equal promptness and courtesy.

"During the past year, the health of the prisoners has been remarkably good, with the exception of the spring months, when our operations were much interrupted and retarded by the frequent occurrence of cases of slight illness. But owing to the great attention and skill of Dr. Roberts, the attending physician, no deaths have occurred; comparatively but few cases of serious illness, and none attributable to either local situation or prison discipline.

"Of the intellectual and moral improvement of the convicts, I feel sincerely gratified in saying, that facts authorize the indulgence of encouraging and comfortable hopes; and the benevolent philanthropist will rejoice that the strong and blended lights of knowledge and religious truth are casting rays of brightness and warmth into their minds and hearts, dispelling much of the misery of their dark and cold abodes. Under a new organization and arrangement, schools on the Sabbath, which I have adopted, indications are decidedly apparent of an active spirit of mental improvement; and from the labors of the ministers of the gospel of the various religious denominations, who have kindly lent the aid of their pious exertions, manifestations have been given of an unquestionable reformatory tendency." * * * * *

"THOMAS S. THEOBALD,

"Agent and Keeper Kentucky Penitentiary."

Monday, February 16, 1835. Mr. Stevenson, from the joint committee appointed to take into consideration so much of the Governor's message as related to the penitentiary, made a report, in substance, as follows:

They concur with the Governor in what he had said in relation to the affairs of the institution, and had made a personal examination, both in its character as a prison and a manufacturing establishment. In its former character, they believed its discipline well adapted to secure the ends aimed at, in the substitution of a mode of confinement for the sanguinary punishment of death. After sketching the mode and objects of discipline, as enforced by the keeper, they say: "Its administration is stern, rigid, inflexible; it bends to the hardy, indomitable spirit of no offender; coun-

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tenances no insubordination, yields to no compromise, relaxes no restraint; it contemplates and enforces unqualified submission and obedience. Rigorous as this system may seem, the convicts yield a prompt acquiescence in its necessity, and its requirements have rarely been disregarded."

After describing the new buildings which had been erected by the keeper, they say: "The want of a hospital and chapel has been deplorably felt, and the committee rejoice in anticipating the speedy completion of apartments so necessary and beneficial to the prisoners. The night cells drew the especial notice of the committee, and they regret to report that they are not all of them as comfortable and safe as they should be. Many in the old block need alterations and repairs, and some should be torn down and reconstructed upon a model having regard equally to the health, comfort, and safe-keeping of the inmates. This is the more necessary, as the number of cells is barely sufficient to lodge the present number of convicts. It cannot be long ere the increase of criminals will compel a resort to the dangerous and corrupting expedient of confining two in a cell. This would uproot the foundation of the present excellent discipline and defeat its benevolent ends."

The committee, after describing the office of the penitentiary, recommended the erection of a suitable room for that purpose, which recommendation led to the erection of the handsome front building, the view of which forms the frontispiece to this report.

They approve the erection of the steam engine, and advise the introduction of additional machinery for the carding of wool, grinding of corn, &c., &c., and closed by saying "that the books are kept upon the approved system of double entry; and the general account of the penitentiary, and the separate accounts of the Commonwealth and the keeper, were properly exhibited, corresponding with the keeper's report to the Legislature.

"J. STEVENSON,

"JNO. HOLLINGSWORTH,

"JNO. P. GAINES."

The committee offered a resolution for the adoption of the House, recommending the erection of a new office and store house for the use of the penitentiary, for the erection of necessary machinery therein, and for the improvement of the cells; for the erection of new ones in case of necessity, and making further provision for the education and religious instruction of the convicts.

SECOND ANNUAL REPORT OF MR. THEOBALD.

DECEMBER 10th, 1835.

"On the recurrence of the period when it becomes my duty to present to the Legislature a view of the condition of this institution, I have to state, that during the past year its general affairs have advanced to a high degree of prosperity. In the successful administration of its

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internal discipline, in the increase of its manufacturing operations, and in the growing state of its finances, are to be found the evidences of the signal success which has followed the labors of the year.

On the 10th of December, 1834, there were in confinement, as per last report	90
Received since that date.....	61
	<u>151</u>
Discharged during the year by expiration of sentence.....	24
By Executive pardon.....	6
By death	4
By escape	1
	<u>35</u>
Leaving now in confinement	<u>146</u>

CRIMES.

Felony	42
Horse stealing	20
Larceny	10
Highway robbery	10
Robbery	7
Burglary	7
Counterfeiting	9
Manslaughter	4
Stabbing	1
Kidnapping slaves	2
Mail robbery.....	1
Bigamy	1
Rape.....	1
Forgery	1
	<u>116</u>

NATIVITY.

Kentucky	23
Virginia.....	23
Pennsylvania.....	16
New York.....	9
Ohio	8
North Carolina.....	5
South Carolina	2
Connecticut.....	2
Ireland.....	7
England.....	3
Canada.....	2
Norway	1
Germany	1
Holland	1
France	1
Massachusetts.....	2
Maryland.....	2
Tennessee	2
Georgia	2
Alabama	1
District of Columbia.....	1
Missouri.....	1
Rhode Island	1
	<u>116</u>

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EDUCATION.	
Superior	9
Ordinary	62
None	45
	<u>116</u>
AGES.	
From 15 to 20	11
From 20 to 30	61
From 30 to 40	32
From 40 to 50	7
From 50 to 60	3
From 60 to 70	1
From 70 to 80	1
	<u>116</u>
Natives of United States	100
Natives of foreign countries	16
	<u>116</u>

“The work-shops and buildings authorized to be erected within the walls by an act of the session before the last, have progressed nearly to a state of completion, and it is expected to complete them entire as early as possible next spring.

“The account against the Commonwealth for their erection forms a heavy portion of the debts created during the year in favor of the penitentiary, but, owing to their unfinished condition, no very accurate estimate of the amount chargeable for those works can be arrived at, and I am constrained, therefore, to forbear attempting to present any definite financial report. It will be deemed sufficient, however, I trust, to state that the pecuniary concerns of the institution were never in a more thriving condition, and I invite an examination of the books by a committee of your body. Although it has paid nothing into the treasury this year, the State's share of its profits has neither lain idle or unproductive; on the contrary, the most judicious and beneficial direction has been given them. In their investment in new buildings, the health, comfort, and security of the prisoners has been combined, with far greater means and facilities for the production of the articles of manufacture in which the labor of the convicts is employed, besides affording many new and important conveniences for the easy and successful application of the peculiar mode of discipline necessary to be enforced. The new work-shops are constructed with a view to the present and future operations and wants of the institution. Built of the best materials, of spacious size, and on a model uniting utility with convenience, they are capable of admitting a large number of workmen without being, as heretofore, crowded into a confined space; and securing a variety of useful labor-saving machinery, designed to facilitate the production of manufactures, and give at the same time the most profitable direction to the labor of the convicts. Besides these work-shops, there are also con-

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ned with them a large chapel, school-room, hospital, and refectory, all of which have been greatly needed. Aside from the utility of these improvements, they have added vastly to the appearance of the interior of the prison. It presents now rather the cheerful aspect of a thrifty manufacturing establishment, than the darkness and gloom of a prison, and I cannot but believe that its mere appearance, contrasted with what it formerly was, has exerted, in some degree, a salutary influence on the minds and feelings of the prisoners. I flatter myself that a committee, and the members generally of your body, will derive much pleasure in making a personal examination and survey of the improvements.

“To claim justly for the State high honor for its wise and beneficent policy, and for the institution the highest rank among those of similar nature, for its character, both in the peculiar mode of its discipline and the utility and success of its operations, it needs only one more proof of the enlightened liberality of the Legislature, or, to speak with more accuracy, it needs only for that body to carry out the wise policy which regards the separate confinement, or solitary isolation of the prisoners at night.

“By an act approved January 29, 1829, it is made the ‘duty of the keeper of the penitentiary, for all time thereafter, to cause the convicts to be locked up separately in the cells of the penitentiary during each night, and, as far as practicable, prevent all conversation between them during the day.’ The number of cells now in the prison is but one hundred, while, it has been perceived, the number of convicts is one hundred and sixteen. It is at once manifest, therefore, that it is impossible to comply with the provisions of the law as to the separate confinement of the prisoners; and in stating this painful truth, I deem it my duty, in view of all the considerations and interests involved, earnestly to petition your body for prompt relief from this dangerous and subversive state of things, by authorizing the immediate erection of such an additional number of cells as will enable me to meet the requisitions of the afore recited law. By a reference to the number of prisoners in confinement, it will be perceived that the number this year is twenty-eight per cent. greater than that of the preceding, and thirty-six per cent. above the usually estimated average of former years. It is left to your discretion to decide whether this ratio of increase forms sufficient data to guide your deliberations as to the additional number of cells you may deem necessary for the wants of the institution. It cannot, I think, be reasonably doubted that this ratio will not diminish in future, while in view of the ordinary progress of events, it is presumable it will rather advance; and I take leave to suggest that whatever provision you may be pleased to make to meet the present exigencies, ought to have regard as well to the permanence of structure as to the future increase of prisoners.

“The paragraph of the law above quoted substantially contains the two great fundamental principles recognized in the government of all the

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prisons where intelligence and philanthropy have happily presided. They are those in their application fraught with the most beneficial results and blessings to the prisoners themselves, to say nothing of their other good effects, viz: silence by day, and solitary confinement by night; and to surrender these principles now, would be not only to yield advantages already gained, but to abandon all the well-grounded hopes of the future. It is remarkable that the law of 1829, recognizing these principles, authorized, at the same time, the erection of a number of new cells sufficient to carry out and illustrate them; and I beg leave to remind you that they were again recognized at the last session of the Legislature in the report of the Committee on the Penitentiary adopted by the House; and further, in a bill authorizing the improvements now prayed for, which passed the Senate, but fell in the other House on the last day of the session for want of time to act on it. In view of these considerations, the acting Governor authorized the erection of a sufficient number of new cells for the confinement of each prisoner separately, to obviate the dangerous necessity of confining two together. From two considerations I have reluctantly delayed this most important work. Owing to the lateness of the season, it was impracticable to procure a supply of building materials; and, besides, from the present structure of a portion of the cells, whatever improvements might now be added would ultimately be lost. The subject is before you, therefore, in its present shape, and I cannot but hope you will promptly respond to the wants and calls of the institution.

“The mode of government now administered in the prison cannot longer be regarded as merely one of experiment. The question is, I think, forever settled. Its salutary operations during six years in this State—of longer periods in others, and with perfect success in all—attests its excellence, and asserts the strongest claim to legislative recognition and perpetuance.

“From being once a heavy annual tax upon the treasury, it now yields a handsome annual revenue; from being once a dark abode of misery, physical and moral, where its wretched inmates were receiving deeper dyes of pollution from their mere contact with each other, it is now an institution in every way creditable to the character of an enlightened and benevolent State, and its inmates far more comfortable in their physical condition, and washing out the stains of former guilt by the influence of a steady system of moral teaching, tending to entire reformation, and fitting them to re-enter society.

“During the year, large additions of useful and valuable machinery have been made, in view of increasing and facilitating the manufacturing operations. This measure was deemed indispensable, as demand for articles greatly exceeded the means of supply; and with the exception of bagging

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and rope, which finds its market abroad, there is not a single article vend-
ed at any other point than on the spot of its manufacture. There are now
in successful operation a corn mill, carding machine, iron and wood turn-
ing, variety of wood-sawing, quilling, spinning, and other labor-saving
machinery, propelled by a new and powerful steam engine; and the fol-
lowing branches of industry are steadily and successfully pursued, viz:
wagon and coach-making and trimming, bagging and rope-making,
blacksmithing, stone-cutting, chair-making and painting, saddle and har-
ness-making, shoe-making, together with a variety of minor branches.

“The health of the prisoners has been unusually good. Of the four who
have died, three were far spent with pulmonary disease when received;
the other was the only case of malignant fever; and I have to remark that
no disease whatever has appeared this year, attributable in the least degree
to local position or prison discipline.

“The moral reformation of many of the prisoners this year has been
as manifest as gratifying. Some who have been discharged, are now in the
employ of gentlemen of high standing for intelligence and piety, from
whom I have received the most favorable representations as to their good
conduct and general behavior.

“The constant labors of resident, and occasional services of passing
ministers of the gospel, of various persuasions, have, doubtless, contrib-
uted greatly to these happy results, and if, in bringing them about, a por-
tion of merit may be justly claimed for the administration of the discip-
line and police of the prison, it ought to be placed to the credit of the
Legislature, whose wisdom has devised and sanctioned, and whose liberal-
ity has upheld and sustained the system; and, in conclusion, I have only
to express the hope that your body will still contribute to the perpetua-
tion of a system, which, by ameliorating the moral and physical condition
of the prisoners; by tending to their ultimate reformation; by contribut-
ing to the security of society, and by adding to the revenue of the treas-
ury, illustrates the wise and benevolent policy of our State government.

“T. S. THEOBALD.”

An act approved February 29, 1836, sets out with the following pream-
ble:

“WHEREAS, It is represented to the present General Assembly, that the
interest and proper management of the penitentiary demands that a por-
tion of the prisoners should, on certain occasions, be employed temporari-
ly without the walls of the prison, for the purpose of cleansing the prison,
and for aiding in procuring the necessary supplies therefor; and it being
considered questionable whether the penalty attaching to escapes, provided
by the 1st section of ‘An act to amend the penal laws,’ approved Decem-
ber 19, 1804, applies in cases of escape of a convict so employed:’ And
whereas, also, It appears that the dormitories or sleeping apartments in

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said institution are too few to accommodate the present number of convicts, and that those now in use are insecure and illy constructed, both as regards the safe-keeping as well as the preservation of the health of the prisoners: for remedy whereof,

“§ 1. *Be it enacted*, That the penalty provided by the above recited act, in all cases of illegal escape, shall be deemed to extend to, and apply in all cases where convicts escape, when employed without the walls of the prison, under the care of a guard or the necessary business of the penitentiary.

“§ 2. *Be it further enacted*, That the keeper of the penitentiary shall, and he is hereby authorized and required to erect, within the walls of said prison, a suitable building, to embrace two hundred and fifty dormitories or sleeping apartments, in lieu of those now in use, having regard as well to health and comfort, as to the safe-keeping of the prisoners in separate and solitary confinement.”

The act further provided that the keeper should keep a just and true account of the cost of the said building, and the amount of which should be charged to the Commonwealth, payable out of the State's portion of the proceeds of the penitentiary; and John Woods, James Davidson, and C. S. Morehead, or any two of them, appointed a committee under the inspection of the Governor, to direct and superintend the erection of said building.

THIRD ANNUAL REPORT OF MR. THEOBALD, 1836.

“Since my last annual report, the condition of the penitentiary in all respects has been in a high degree prosperous. The prisoners have generally enjoyed good health—the administration of the established discipline, attended by no unusual embarrassments, has been signally successful, and the pecuniary affairs continue to be in a thrifty, productive situation. These are all evidences illustrating the practical benevolence and wisdom of the present system of conducting the institution. During the present year, the whole train of work-shops and buildings, authorized to be erected by an act of the session of 1833–4, have been nearly completed.

“An act of the last session provided for the erection of an additional number of cells, in view of keeping pace with the increase of prisoners. This was a most important improvement, in every view of the affairs of the prison, more particularly in regard to the successful administration of the system of discipline, of which solitary confinement is a peculiar and distinctive feature; and I deeply regret that any considerations compelled me to acquiesce in the necessity of delaying the progress of the work for another year. After the passage of the act, it was impossible to procure a supply of lumber of the proper description for building strong and secure cells, and for such as was within reach, rates so exorbitant were demanded, that I deemed it imperative to decline building till such time as a supply

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of the proper materials, and at fair costs, could be procured. During the year I have been providing for an early commencement of the buildings next spring, and I hope to report the completion of a number of the cells at your next session.

"For a view of the moral condition of the institution, as affected by its peculiar discipline, having nothing new to offer, I refer to the facts and observations presented in my last report, as they are equally applicable now.

Number of prisoners on 10th of December, 1835, as per report	116
Received since that date to November 20, 1836.....	50

Total	166
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DISCHARGED.

By expiration of sentence.....	40
By pardon	16
By death	3
	<u>59</u>

In confinement 20th November, 1836	<u>107</u>
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EDUCATION.

Superior	3
Ordinary	65
None	39
	<u>107</u>

• AGES.

From 15 to 20 years	12
From 20 to 30 years	57
From 30 to 40 years	25
From 40 to 50 years	9
From 50 to 60 years	3
From 60 to 70 years	1
	<u>107</u>

RECOMMITTALS.

On second conviction.....	22
On third conviction.....	7
On fourth conviction.....	5

Whole number of recommitments, of whom a majority were once inmates of other prisons..	<u>34</u>
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NATIVITY.

Kentucky	20
Pennsylvania.....	18
Virginia	16
New York	10
Various States of the United States.....	32
Natives of United States	98
Foreigners from various European nations	11

COUNTIES SENT FROM.

Jefferson	51
Campbell	9
Fayette	8
Mason	3
Ten other counties two each	20
Sixteen other counties one each	16

Total	<u>107</u>
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CRIMES.	
Larceny	25
Felony	21
Horse stealing	22
Robbery	15
Counterfeiting	7
Manslaughter	6
Burglary	3
Bigamy	2
Swindling	2
Rape	1
Forgery	1
Shooting	1
Kidnapping slaves	1
Total	107

“ All of which is respectfully submitted.

“ Your obedient servant,

“ THOMAS S. THEOBALD,

“ *Agent and Keeper.*”

FOURTH ANNUAL REPORT OF MR. THEOBALD, 1837.

“The present condition of this institution, in every view of its affairs. is highly prosperous. The following statistics have been prepared with great care, and will present the best view I can offer of its management. The penitentiary was confided to my care and management on the 10th of March, 1834, and the books present the subjoined exhibit of its financial concerns from that date to the 1st day of December, 1837 :

Exhibit showing the means and liabilities of the Kentucky Penitentiary on the 1st December, 1837.

MEANS.	
Amount due from the Commonwealth for buildings, &c., and for cash paid prisoners, per law	\$16,356 26
Amount of accounts due from sundry individuals	43,275 13
Amount of bonds against individuals	2,647 88
Bagging and rope in the hands of commission merchants in Louisville—bagging estimated at 20 cents per yard, and rope at 8 cents per pound	26,226 68
Amount of manufactured articles and raw materials on hand per inventory	14,243 75
Total	\$102,749 69

LIABILITIES.	
Amount due agent and keeper for funds advanced to carry on operations	\$25,732 10
Amount due other individuals for materials purchased	4,423 54
Balance of means constituting net profits	72,589 05
Total	\$102,749 69

“A large portion of bagging and rope consigned to Louisville has been sold, and generally for prices above those here stated ; yet some remains on hand, and for want of the account of sales, which have not been rendered, I have been compelled to represent these articles on hand by the estimate above.

Number of prisoners in confinement per last report	107
Received since, to December 1st, 1837	51
Total	158

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Discharged since, by expiration of term of sentence.....	33
Discharged since, by Executive pardon	9
Discharged since, by death.....	2
Total	44
Leaving in confinement on December 1st, 1837, (one of whom is a woman)	114

CRIMES.

Horse stealing.....	22
Larceny.....	33
Robbery.....	11
Burglary.....	11
Bigamy.....	2
Felony.....	8
Manslaughter.....	8
Kidnapping.....	2
Counterfeiting.....	7
Swindling.....	2
Making free papers for slave.....	1
Burning.....	2
Forgery.....	2
Perjury.....	2
Maiming.....	1
	114

COUNTIES SENT FROM.

Jefferson.....	51
Fayette.....	12
Campbell.....	5
Nicholas.....	4
Mason.....	3
Greenup.....	3
Hickman.....	3
Breckinridge.....	3
Scott.....	2
Adair.....	2
Lawrence.....	2
Livingston.....	2
Washington.....	2
Twenty other counties one each	20
	114

TERM OF SENTENCE.

For 1 year.....	14
For 2 years.....	20
For 3 years.....	19
For 4 years.....	22
For 5 years.....	16
For 6 years.....	6
For 7 years.....	3
For 8 years.....	3
For 10 years.....	8
For 16 years.....	1
For life.....	2
	114

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NATIVITY.	
Kentucky	22
Other States of Union	20
Ireland	5
France	3
England	1
Canada	1
West Indies	1
Norway	1
	<u>114</u>

AGES.	
From 15 to 20 years	11
From 20 to 30 years	58
From 30 to 40 years	25
From 40 to 50 years	13
From 50 to 60 years	16
From 60 to 70 years	1
	<u>114</u>

EDUCATION.	
Good	5
Ordinary	86
None	23
	<u>114</u>

RECOMMITTALS AND AGGREGATE SENTENCES.

- Five have been convicted for 8 years, upon 2 sentences.
- Six have been convicted for 6 years, upon 4 sentences
- Two have been convicted for 25 years, upon 4 sentences, now for life.
- One has been convicted for 50 years, upon 4 sentences.
- Two have been convicted for 5 years, upon 2 sentences.
- Two have been convicted for 9 years, upon 3 sentences.
- Two have been convicted for 10 years, upon 2 sentences.
- One has been convicted for 26 years, upon 5 sentences.
- One has been convicted for 2 years, upon 2 sentences.
- One has been convicted for 17 years, upon 2 sentences.
- One has been convicted for 22 years, upon 6 sentences.
- One has been convicted for 14 years, upon 3 sentences.
- One has been convicted for 18 years, upon 2 sentences.
- One has been convicted for 14 years, upon 2 sentences.
- One has been convicted for 12 years, upon 2 sentences.
- One has been convicted for 4 years, upon 2 sentences.
- One has been convicted for 8 years, upon 3 sentences.
- One has been convicted for 3 years, upon 2 sentences.

“The act of last session providing for the erection of certain buildings within the walls of the penitentiary, fixed a portion of them at a site which his Excellency, the Governor, and the building committee, thought ought to be changed. This, together with the pecuniary embarrassments of the country, induced me to decline their erection until another session, notwithstanding considerable preparations had been made for that purpose. As it is expected to lay this subject more fully before the Committee on the Penitentiary, who will doubtless give it due consideration, it is deemed unnecessary to say more upon it here.

“During the past year the prisoners suffered much on account of sickness. It was no unusual sight, in the sickly season, to see forty or fifty in

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the hospital at the same time. No fatality, however, followed this general sickness, and we lost but two by death during the whole year.

“The institution, in common with the whole country, has suffered some degree of embarrassment the past year in its pecuniary affairs, owing to the difficulty of collecting debts during the extraordinary pressure. The same cause likewise operated to reduce the price of bagging and rope, and many other manufactures, and this produced a considerable diminution of the profits anticipated. But its ordinary operations, nevertheless, have been vigorously and profitably conducted.

“The moral influence upon the minds of the prisoners resulting from the administration of the peculiar system of discipline recognized by the laws of the State in regard to this institution, I am happy to report, is perfectly manifest, and affords good grounds to indulge the hope of the restoration of many of them to the rank of useful and virtuous citizens. I invite the standing committee, and the members generally of your body, to visit the institution and examine personally its affairs.

“THOS. S. THEOBALD, *Agent and Keeper.*”

FROM GOVERNOR CLARK'S MESSAGE.

1837. The management of the penitentiary at this time is such as the friends of humanity would approve, whilst at the same time it is of a character alike profitable to the keeper and to the State. Under the regulations now established, and the state of discipline to which its inmates are subjected, it promises fair to be productive of those beneficial results that were anticipated by the benevolence of its original founders. Its concerns are conducted with system, order, and regularity, and its finances are in a prosperous condition. Instead of being a heavy annual tax on the treasury, as it once was, it now yields a revenue; from being once a dark abode of pollution, where the guilty, in place of being reformed, were hardened in guilt and infamy by constant association with each other, it is now an institution in every way creditable to the character of an enlightened and benevolent State. And it is with pleasure that I avail myself of the present occasion to express my undiminished confidence in the vigilance and care with which its interests are conducted, and my approbation of the humanity with which its unfortunate inmates are habitually treated.

On motion of Mr. Morgan, the Committee on the Penitentiary were instructed to inquire why the keeper had failed to make his annual report according to law.

PROCEEDINGS IN THE HOUSE OF REPRESENTATIVES.

December 7, 1837. Committee appointed, consisting of Beasman, Payne, Haydon, Stewart, Glenn, Pratt, and Peak, who are to meet and adjourn from day to day, and take into consideration all matters and things in relation to the penitentiary; to report, and have power to send for persons and papers.

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January 15. The committee made the following report through Mr. Beasman:

"The operation of the peculiar system of discipline recognized by repeated enactments of the Legislature, engaged the earnest attention of the committee. This system, of which solitary isolation by night and silent labor by day, connected with a course of moral and mental instruction, is the chief feature, has now been in practical operation more than eight years in this State, and for a much longer period in others, and its results are in every way perfectly satisfactory—answering all the reasonable expectations of those whose wisdom originated it. It has been found to promote the health and bodily comfort of the prisoners, and to improve the finances of the institution, while at the same time going as far, to say the least, as any other system, in effecting the important and benevolent objects of establishing a mode of penitentiary punishment, in aid of the administration of criminal justice of the State, the protection of community, and the reformation of the convict.

"It will be remembered that under the former system of administering the affairs of this institution, the State was subjected to a heavy annual tax; the prisoners were sunk in mental, moral, and physical wretchedness, and all the objects which should have been sought in the policy of a wise and benevolent State, were wholly lost. Now the condition of the unfortunate criminal is comparatively happy. His personal comfort and health are promoted by every appropriate means, and his moral and mental faculties are brought under the salutary discipline of assiduous and well directed education. The confinement for a term of years to solitary isolation by night and silent labor by day, is punishment enough for his crimes; while the very isolation and labor afford him the opportunity and materials for that wholesome reflection tending to produce a reformation at heart. It is one of the most important and philosophical truths, that when men are placed in circumstances to think, and think seriously, action, and virtuous action, is the result. But it is not merely in the peculiar circumstances in which this system of discipline places the convict that its benefits are made manifest. It is true they render its influences more applicable, and its available results more appreciable; but still there is much more than a negative benefit in its operation. The direct agency of moral and mental instruction is unceasingly and energetically exerted. The convict is taught the precepts of virtue, and his present punishment for a former violation of those precepts renders such teaching powerfully and practically impressive; and it is highly gratifying to know that the moral reformation of many liberated prisoners is attributable to this system. The health, cleanliness, and physical comfort of the prisoners, as well as their moral and mental improvement, is a distinguishing operation of the system; for, to say nothing of the promptings of benevolence and humanity, the attention to so important a matter is enforced by the adequate

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incentive—the interest of the State and keeper. The work-shops are so constructed as to admit of the indispensable advantages of light, ventilation, and heat. The cells are thoroughly cleansed every day, and the prisoners are required regularly to wash and put on clean clothing. Their food is abundant, and of the plainest and most wholesome description. The multifarious operations of the work-shops present the gratifying spectacle of a thrifty and vigorously conducted manufacturing establishment.

“The committee inspected the books of accounts, and found them neatly kept upon the approved system of book-keeping by a competent clerk. They examined the general account of the penitentiary, and those of the Commonwealth and keeper, and found them to correspond with his report.

“In reference to the delay in erecting the new cells and office provided for in the act of January 23d, 1837, the committee refer to the reasons assigned by the keeper as not only satisfactory but imperative. It is hoped, however, that these buildings, so important to the successful operations as well as the security of the institution, will be completed during the present year, as considerable preparations have already been made for the object.

“The term of the present keeper’s office will expire on the 10th of March, 1839, and whether he is re-elected, or another is chosen in his place, it will be equally important to both, and not less so to the State, that the appointee of another should have the benefit of a year’s preparation, and, in that case, to allow the present keeper time to wind up his agency.

The committee, in conclusion, offered the following resolutions:

“*Resolved*, That the affairs of the penitentiary are in a prosperous condition; that the system of discipline recognized by law is wisely and faithfully enforced, and answers the important and benevolent designs in the administration of the criminal justice of the State, the protection of the community, and the reformation of the convict, and that the system ought to be perpetuated. .

“*Resolved*, That a day ought to be appointed, by joint resolution, for the election, this session, of an agent and keeper of the penitentiary, to serve from and after the 10th of March, 1839.”

January 8, 1838. Mr. Thornsby moved the following:

“*Resolved*, That the Committee on the Penitentiary be instructed to inquire what amount of revenue is now due from said institution, accruing in the years 1835–6–7; and the aggregate amount of revenue due from said institution, accruing during the time that the institution has been under the superintendence of the present keeper; and what amount of revenue has been paid over by him; when and where said payment has been made; whether to the public treasury or to the commissioners of the sinking fund; and that they report by bill or otherwise.”

Adopted.

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January 25, 1838. Mr. Woolley moved to go into the election of keeper of the penitentiary.

Mr. James moved a resolution that the Senate declined going into the election, because there was no law authorizing the election of keeper.

February 16. Mr. Guthrie moved the following preamble and resolutions:

This preamble and resolutions state that the Senate, having examined the law of 1829, believed that there was no law authorizing the election of a keeper, and refused to go into said election until a law for that purpose was passed. (*Senate Journal*, 439.)

January 26, 1838. The Speaker laid before the Senate the following communication:

“FRANKFORT, January 26, 1838.

“HON. C. A. WICKLIFFE:

“Permit me, through you, most respectfully to tender to the Senate my resignation of the appointment conferred upon me by the vote of the House of Representatives on yesterday.

“Without for one moment stopping to inquire or to consider anything touching the validity of my appointment, I have determined upon this course for the following reasons:

“1st. To relieve the Legislature from its present excitement, and to prevent any embarrassment that may arise to future legislation on this subject.

“2d. I am advised by the discussion on this subject, that the Senate desire additional legislation in regard to the penitentiary.

“3d. I cannot reconcile it to my sense of self-respect to hold the appointment without the full and united action of the Legislature.

“Whatever course you may please to adopt in relation to an election for keeper, whether at this or another session, will meet the approbation of

“Your obedient servant,

“THOS. S. THEOBALD.”

January 22. Resolutions were offered by Mr. Helm, authorizing the Secretary of State to receive sealed proposals for keeping the penitentiary.

On the 25th January the House took up the joint resolution to postpone the election of keeper.

Rule dispensed with, and question decided in the negative.

It was then ordered that C. M. Clay inform the Senate that the House was ready to go into the election.

The Senate refused to go into the election, on the ground that there was no law providing for it.

A motion was offered by Mr. Anderson, that the two houses having fixed upon this day for the election, the House of Representatives would not postpone.

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This motion was carried, and, on motion of Mr. W. F. Evans. Mr. T. S. Theobald was put in nomination, and there being no other name before the House, he was declared duly elected.

Mr. T. continued the management of the institution until the next meeting of the Legislature, when he was again elected by both Houses.

January 11. Mr. Beasman, from the Committee on the Penitentiary, made the following report, accompanied by a resolution:

"The Committee on the Penitentiary, to whom was referred the resolution of the House, with instructions 'to inquire what amount of revenue is now due from said institution, accruing in the years 1835, 1836, and 1837, and the aggregate amount of revenue due from said institution, accruing during the time that the institution has been under the superintendence of the present keeper; and what amount of revenue has been paid over by him; when and where said payment has been made; whether to the public treasury, or to the commissioners of the sinking fund, and that said committee report by bill or otherwise,' have to report that in discharge of the duty assigned to them, they made a searching examination into the accounts of the penitentiary, and offer the following statement of the result of their observations:

"It appears from the books that the sum due to the penitentiary on the 1st day of December last was—

From the Commonwealth on account.....	\$16,356 26
From sundry individuals on account.....	43,275 13
From sundry individuals on bonds	2,619 88
	<u>\$62,279 27</u>
And the amount of raw materials and manufactured articles on hand, as per inventory and estimates of the keeper of their value.....	40,470 42
	<u> </u>
Making an aggregate of debts, manufactured articles, and raw materials on hand of.....	<u><u>\$102,749 42</u></u>

"Of the 'net profits' of which sum, by the act of February 15, 1834, 'one equal moiety,' when collected and realized, will belong to the State.

"The amount which, serving to form part of this aggregate sum, accrued in the years 1835, 1836, and 1837, is \$92,275 98, and the amount which accrued in 1834, the first year of the present keeper's administration, is \$10,473 71—making, as before stated, the aggregate sum of \$102,740 96 up to the 1st day of December last. Of the sum of \$76,356 26, charged to the account of the Commonwealth, the committee find that a large amount of it was for buildings and other work-shops erected within the walls of the prison, under authority of the act of February 15, 1834; a portion of it under the act of January 29, 1829, appropriating \$250 per annum for ministerial labors and Sunday school teaching; a part of it for improvements in and about the Governor's mansion; a part advanced to each prisoner on liberation, under the act for February 15, 1834, and a part for furniture, &c., for the two Houses of Assembly, and for work done in and about the

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State-house and public offices from the 10th of March, 1834, to 1st December, 1837. No revenue has been paid into the public treasury, or to commissioners of the sinking fund, by the present keeper of the penitentiary.

"The foregoing report embraces all the objects to which the resolution of the House called the attention of the committee; and, in conclusion, they offer the following resolution:

"That the committee be discharged."

An act approved 15th February, 1838, provided "that the annual profits of the Commonwealth of Kentucky, arising from the penitentiary, shall be, and are hereby, appropriated to the sinking fund; and it shall be the duty of the keeper to report semi-annually, on the first Monday of June and December, in each year, to the commissioners of the sinking fund, and pay over to them the Commonwealth's portion of the profits; and that said keeper shall forthwith report and pay to said commissioners, as a part of the sinking fund, the Commonwealth's portion of said profits which have accrued since he came into office: *Provided*, That nothing herein contained shall be construed to repeal the act, entitled 'An act to amend the penal laws, and to authorize certain improvements within the walls of the penitentiary,' approved February 29, 1836; but the number of additional dormitories to be built in said penitentiary shall be prescribed by the commissioners of the sinking fund, notwithstanding anything in said recited act contained."

REPORT FROM THE AGENT AND KEEPER OF THE PENITENTIARY.

"FRANKFORT, December 5, 1838.

"HON. C. A. WICKLIFFE, *Speaker of the Senate*:

"SIR: I beg leave, through you, to lay before the Senate the following report, showing the condition of the Kentucky penitentiary on the 10th November, 1838. The means of the institution from all sources were, at that date, as follows, to-wit:

Amount against the Commonwealth for buildings, for cash paid prisoners when discharged, as per law, &c., and for cash paid commissioners of the sinking fund.....	\$18,877 15
Account against Thos. S. Theobald, agent and keeper.....	11,280 15
Amount of accounts against sundry individuals.....	17,459 96
Amount of notes against sundry individuals.....	4,335 86
Amount of bagging and rope in the hands of commission merchants for sale, of which no account of sale has been rendered, estimated at eighteen cents for bagging and seven cents for rope.....	22,040 44
Amount of manufactured articles and raw materials on hand, estimated value.....	14,583 90
Sum total of assets.....	\$88,577 4~
The liabilities of the institution are, as per ledger at the date aforesaid, as follows, to-wit:	
Amount of balances due to sundry individuals for provisions, raw materials, &c., furnished for the use of the institution.....	6,761 06
Showing a balance in favor of the institution of.....	\$81,816 40

"A considerable portion of the bagging and rope estimated above has been sold, and a portion of the proceeds appropriated; which will fully

 1834 to 1844—Thomas S. Theobald, Keeper.

appear in the proper accounts, when the accounts current are rendered by the commission merchant. The net proceeds, however, will not vary much from the above estimate.

“The foregoing statement of the condition of the institution is made up from a careful examination of its books, and it is believed to be accurate. At the last session of the Legislature it was made the duty of the keeper to have a semi-annual settlement of the accounts of the institution with the commissioners of the sinking fund, and to pay over to them the State's portion of the profits. In order to comply with the provisions of this law the books of the institution have been for some time in the hands of two gentlemen selected by the commissioners of the sinking fund, well qualified for that task, for the purpose of a thorough examination of the accounts.

“These gentlemen have not as yet, I am informed, completed their examination, but will probably soon do so. The commissioners of the sinking fund, upon an examination of the Commonwealth's accounts and the laws under which the charges were made, objected to the payment of about four thousand dollars as being unauthorized by law; the legality of which was referred to gentlemen selected by us mutually, who decided against the charge.

“The propriety of such objection is not apparent to the undersigned, but he feels disposed to acquiesce in the decision of more competent and impartial judges. The amount, therefore, deducted from the account of the Commonwealth, I have paid the commissioners of the sinking fund—five thousand dollars in cash—which makes the Commonwealth's account as stated in the means of the penitentiary. The remainder of the profits, after deducting the account of the Commonwealth and the keeper, is on hand in the shape of notes and accounts against individuals, and raw materials and manufactured articles, which can not, of course, be divided until the money is realized for them.

“The following statistics are submitted, believing they will be both interesting and useful to the Legislature:

Number of persons in confinement, as per last report	114
Number of persons received since, up to 10th November, 1838	72
Total	<u>186</u>
Discharged since, by expiration of sentence	24
By Executive pardon	19
By death	2
	<u>45</u>
Leaving in confinement 10th November, 1838	<u>141</u>

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CRIMES.

Horse stealing.....	25
Larceny.....	49
Robbery.....	11
Burglary.....	17
Felony.....	8
Manslaughter.....	8
Counterfeiting.....	7
Forgery.....	4
Bigamy.....	2
Robbing mail.....	2
Stabbing.....	2
Burning.....	2
Swindling.....	3
Maiming.....	1
Kidnapping.....	2
	<hr/>
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COUNTIES SENT FROM.

Jefferson.....	74
Fayette.....	6
Campbell.....	6
Harrison.....	4
Laurel.....	3
Hickman.....	3
Livingston.....	3
Franklin.....	2
Mason.....	2
Fleming.....	2
Nicholas.....	2
Greenup.....	2
Clay.....	2
Hancock.....	2
Scott.....	2
Breckinridge.....	2
Russell.....	2
From twenty counties one each.....	20
	<hr/>
Total.....	141

TERM OF SENTENCE.

For life.....	2
For 16 years.....	1
For 10 years.....	12
For 8 years.....	3
For 7 years.....	3
For 6 years.....	10
For 5 years.....	13
For 4 years.....	27
For 3 years.....	26
For 2 years.....	26
For 1 year.....	21
	<hr/>
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AGES.

Under twenty years of age.....	14
Between twenty and thirty years.....	50
Between thirty and forty years.....	26
Between forty and fifty years.....	15
Between fifty and sixty years.....	5
Over sixty years.....	1
	<hr/>
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NATIVITY.

Kentucky.....	37
Virginia.....	19
Pennsylvania.....	16
New York.....	13
Tennessee.....	6
Massachusetts.....	5
Ohio.....	5
South Carolina.....	3
North Carolina.....	2
Seven other States one each.....	7
Foreign countries.....	28

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EDUCATION.

There are prisoners well educated.....	4
There are prisoners who can read and write.....	102
There are prisoners destitute of education.....	33

141

"Of the whole number of convicts now in prison, fifty-seven ascribe their present condition to intemperance, and a much larger number were habitually intemperate previous to their conviction. Of the number of convicts that have been discharged by executive pardon, it is proper to remark that a large portion of them were pardoned a very few days before the expiration of their sentence; the effect of which is to restore them to the rights of citizenship. Of this number, they were generally pardoned upon the application of the keeper, who believed, from strong indications on the part of the prisoners and a careful observation on his own part, that they were qualified in morals again to enter civil society. Although we have not been entirely exempt from sickness during the present year, it affords me much satisfaction to say that our suffering has been much less than last year, and I have great confidence that the beneficial results from the exertions of the corporation of the town to improve the health of the citizens by ditching the flat land above and below the prison, will be as salutary in its effects upon the health of the prisoners as upon the citizens.

"I cannot close without remarking that all concerned for the moral improvement and mitigation of the mental sufferings of this wretched and unfortunate portion of our community are much indebted to the ministers of the gospel, of various denominations, who have labored with much zeal in the morning and evening of every Sabbath, and we have reason to hope, to the great improvement of many who have professed the religion of the Bible.

"In conclusion, I would observe that it would give me great pleasure to have every department of the institution, its police, as well as its books, thoroughly examined by committees of both houses of the General Assembly, and to have members personally to visit the prison frequently for the purpose of a correct observation of its conduct and government.

"All of which is respectfully submitted.

"T. S. THEOBALD, *Agent and Keeper.*"

1834 to 1844—Thomas S. Theobald, Keeper.

The following act, approved 14th February, 1839, contains the provisions under which Mr. Theobald had control of the institution during his second term. This law is the most elaborate of any regulating the duties of keeper and other officers heretofore passed by the Legislature, and contains several sections not before embraced in the acts providing for the management of the institution. It is copied at full length in order to give all the details contained in each section.

“§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That for the purpose of making a final settlement with the present keeper of the penitentiary, up to the 1st of March, 1839, when the time for which he was appointed expires, the raw materials, stock, and manufactured articles on hand, shall be valued by two disinterested persons, to be selected by the commissioners of the sinking fund, as soon as practicable after the passage of this act; and said valuers shall take an oath before some justice of the peace, faithfully and impartially to value said property, at a fair, wholesale, cash value, and annex the value to each article thereof, and return the same to the commissioners of the sinking fund, to be by them preserved; and said valuers shall make a complete inventory of the tools and implements of trade in the penitentiary, and annex the value to each article, and the same shall be compared with the receipt of the keeper for the tools and implements of trade which were on hand when he came into office, now on file in the Auditor's office; and if the same shall fall short of the valuation made in said receipt, the keeper shall be charged with the deficiency; and if they exceed the valuation in said receipt, the keeper shall be credited with one half of the excess; and it shall be the duty of the commissioners of the sinking fund, and they are hereby authorized, to settle with the present keeper, and to divide the raw materials, stock, manufactured articles, debts, and effects, belonging to the penitentiary, in which the keeper and Commonwealth are jointly interested, in such manner as to provide for the payment of the debts, and the return of the six thousand dollars, with interest, which was advanced to the present keeper, when he was appointed keeper, and to divide the profits equally between the Commonwealth and the said keeper, in accordance with the law under which he become keeper; the said valuers shall also make an inventory of the machinery now on hand, and annex the value to each article, with a view of being handed over to the new keeper.

“§ 2. That a capital of twenty-five thousand dollars, if there be so much belonging to the Commonwealth, shall be set apart, out of the raw materials, stock, manufactured articles, debts, and effects aforesaid, as a capital and fund for the more efficient and profitable management of the penitentiary, and shall be loaned to the keeper, to be appointed under this act, for and during the time he may be in office, at an interest of six per cent. per annum, to be paid by the keeper, semi-annually, to the commissioners of the sinking fund. And a keeper of the penitentiary shall be elected by a

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joint vote of the Legislature, at the present session, who shall have the entire control and management of said institution, except as otherwise provided for by law, and shall continue in office until the first day of March, 1844; subject, however, to be removed by the Legislature, whenever he shall fail to manage the institution in such manner as the interest of the State may require and the law directs.

“§ 3. That the commissioners of the sinking fund shall deliver over to said keeper the raw materials, stock, manufactured articles, debts, and effects, which the Commonwealth shall receive in the settlement with the present keeper, to the value of twenty-five thousand dollars, if there be so much, and if not so much, then so much as there shall be, and take his receipt therefor, and file the same with the Auditor of Public Accounts; they shall, also, deliver over to him the tools and implements of trade in the penitentiary, and take his receipt for the same on the inventory, with the value annexed to each article aforesaid, and file the same with the Auditor of Public Accounts; they shall, also, deliver to him all the machinery now on hand, and take his receipt on the inventory, with the value annexed to each article, as aforesaid, and file the same with the Auditor of Public Accounts.

“§ 4. That said keeper shall pay the principal sum for the raw materials, stock, manufactured articles, debts, and effects, which he shall receive from, and receipt to the commissioners of the sinking fund for, whenever he shall cease to be keeper, or leave in the penitentiary an equal amount of raw material, stock, and saleable manufactured articles, at a fair cash, wholesale price, after settling and paying to the State that part of the profits which shall be coming to the Commonwealth under the provisions of this act; he shall also pay to the Commonwealth the principal sum for the tools and implements of trade which he shall receive and receipt for, or leave for the Commonwealth tools and implements of trade of an equal wholesale cash value, when he ceases to be keeper; and he shall pay to the Commonwealth the principal sum for the machinery which he shall receive and receipt for, when he ceases to be keeper, or leave for the Commonwealth machinery fit for the use of the institution of equal wholesale value; and he shall settle with the commissioners of the sinking fund on the first of December in each year, and pay over to them the profits which the Commonwealth shall be entitled to under this act: *Provided*, Such profits can be had out of the cash on hand, bills of exchange, or notes; or should the commissioners of the sinking fund, in case such profits can not be had as aforesaid, be of opinion that they can make a proper disposition of any of the manufactured articles, so as to turn the profits of the State into cash, they shall have the right to do so, but not to take any portion of the raw materials or stock on hand for this purpose.

“§ 5. That it shall be the duty of the keeper to employ not less than four suitable persons as a guard for the safe-keeping of the convicts, one of

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whom shall be selected as an assistant keeper; and he shall employ a physician to attend to the health of the prisoners: *Provided*, That no person shall be employed as a guard, assistant keeper, or physician, without the approbation of the Governor.

“§ 6. That the said keeper shall be at liberty to erect in said institution, at joint expense, such additional machinery as he may deem best calculated to promote the interest of the institution: *Provided*, He shall first obtain the approbation of the commissioners of the sinking fund: *And provided also*, That all machinery so erected shall, at the expiration of the time said keeper may continue in office, be the sole property of the State.

“§ 7. That it shall be the duty of the said keeper to take upon himself the whole management and expense of said institution, in such manner as he may deem best for the interest thereof; to provide for the clothing and victualing the convicts, for their guard and safe-keeping, and to defray all other expenses incident to the management and well being thereof, and to see that an accurate account thereof, together with the proper vouchers upon which such account is founded, is rendered to the clerk, to be entered by him upon the books of the penitentiary.

“§ 8. That the said keeper shall receive as a compensation for his services and liabilities, in the management of said institution, one equal moiety of the net profits thereof, after defraying all the expenses of the institution, and expenditures authorized and required by this act; and in the event of his removal or death, he, or his representatives, as the case may be, shall be entitled to his just proportion, up to that time, of the net profits of said institution.

“§ 9. That before the keeper shall enter upon the discharge of the duties of the office, he shall take the following oath: ‘I do solemnly swear that I will faithfully and impartially discharge the duties of keeper of the penitentiary according to law.’ And the same keeper shall also enter into bond, in the office of the Secretary of State, with five or more sureties, to be approved of by the Governor, in the penalty of fifty thousand dollars, payable to the Commonwealth of Kentucky, conditioned that he will faithfully perform the duties of keeper according to law, and perform all the duties imposed by this act, and refund to the Commonwealth the full amount to which the raw materials, stock, and manufactured articles now on hand, may be valued, and for which he is required to give a receipt, under the third section of this act, with interest at the rate of six per cent. per annum thereon, payable semi-annually, the principal to be paid at the expiration of his term of service; and that he shall account for all tools, implements of trade, and machinery, as required by this act, and pay to the commissioners of the sinking fund, at the close of each year, as provided in the fourth section, such proportion of the profits as may be due to the State, which bond shall be filed with the Auditor, and may be sued upon on behalf of the Commonwealth as often as the conditions thereof are violated.

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“§ 10. That the keeper shall make an annual report to the Legislature, during the first week of its session, of the general condition, operations, and business of the institution.

“§ 11. That the exercise of the right of reprieve or pardon by the Governor shall not in any way be considered by the keeper as a violation of the provisions of this act: *Provided, however,* That if the State's proportion of net profits of said institution shall, in any year, fall short of the sum of five thousand dollars, including any account which the State may make with said institution, together with the State's proportion of expenses for building, as provided for in the seventeenth section, the said keeper shall make up the deficiency, so as to guarantee a clear profit to the State of at least five thousand dollars.

“§ 12. That in the event of the death of the keeper, or his refusal to qualify or give bond, agreeable to the provisions of this act, it shall be the duty of the Governor to appoint a keeper of the penitentiary, who shall continue in office until the end of the next session of the Legislature, unless otherwise provided for by law.

§ 13. That the Governor, with the advice and consent of the Senate, shall appoint a clerk for the penitentiary, to continue in office two years, whose duty it shall be to keep a true and faithful account of all the transactions of every kind, relating to the business, contracts, expenditures, and income of said institution, and to make quarterly reports to the commissioners of the sinking fund, stating therein the debts and credits, and balances for and against the institution, and when due to and from the same. It shall also be his duty to keep a journal, ledger, and cash book, in which the accounts of the institution shall be fully and fairly entered, according to the usual course of business and book-keeping, and have the accounts which may accrue each week posted up at the end thereof; provided that said clerk shall, before he enters upon the duties of his office, take an oath, before some justice of the peace, faithfully and impartially to discharge the duties of clerk of the penitentiary; and shall also execute bond, to be approved of by the Governor, and filed in the Auditor's office, in the penalty of ten thousand dollars, with good and sufficient security, payable to the Commonwealth of Kentucky, conditioned that he will well and truly and faithfully perform, as clerk of the penitentiary, all the duties enjoined on him by law, or which may appertain to the duties of his office as clerk.

“§ 14. That the Governor shall have the power to remove the clerk at any time, for incompetency or misdemeanor in office, and appoint another in his place; and should it become necessary, by reason of the sickness or death of the clerk, or any other accident, that another clerk should be appointed, the Governor shall make such appointment, *pro tem.*, as he may deem necessary, which clerk, so appointed, shall take the like oath, and

enter into like bond, until another is appointed as prescribed in section 13th of this act.

"§ 15. That the books of said clerk shall, at all times, be open to the inspection of any committee of the Legislature, and to the commissioners of the sinking fund; and that said clerk shall receive the sum of twelve hundred dollars per annum, which shall be paid him by the keeper of the penitentiary, quarterly, out of the joint profits of the institution; and the clerk shall, in addition, receive ten per cent. on the full annual profit coming to the Commonwealth, over and above five thousand dollars per annum, to be paid to the Commonwealth.

"§ 16. That if said clerk shall make any false or fraudulent entry, or omit to make any entry that he should make, with a fraudulent intent, it shall be the duty of the Governor and commissioners aforesaid, forthwith, to remove him from office; and he shall be liable, moreover, to be indicted in the circuit court of Franklin county, and be fined in any sum not exceeding one thousand dollars.

"§ 17. That said keeper shall erect in said institution, at the joint expense of the keeper and the Commonwealth, a suitable building, to embrace not more than two hundred and fifty dormitories, or sleeping apartments, in lieu of those now in use, having regard as well to health and comfort as to the safe-keeping of the prisoners in separate and solitary confinement; and he shall cause a just and true account to be kept by the clerk of the penitentiary of the expense of said building, for the information of the Legislature. The commissioners of the sinking fund shall procure a plan for said building, and an estimate of the cost of the same, and may authorize the keeper to build the same in one or more years. That if said building should cost more than twenty thousand dollars, that the Commonwealth shall be charged with the excess of such cost out of her share of the profits; and so soon as said building shall be completed, the commissioners of the sinking fund shall receive from the keeper the account of the expense of said building, and appoint two disinterested persons to examine the account and the building, and to estimate the value thereof, and make out two copies of the same, one for the keeper, and return the other to the commissioners of the sinking fund.

"§ 18. That the keeper to be elected under this act shall be considered as bound to furnish the capital requisite to carry on the penitentiary, and he shall not purchase raw material, stock, or provisions, on credit, without the written consent of the commissioners of the sinking fund; and he shall have the right to pay up, at any time, the amount of the raw material, stock, manufactured articles, debts, and effects which he shall receive on going into office, and relieve himself from the interest.

"§ 19. That the Auditor, Treasurer, Register, and Attorney General, be, and they are hereby, appointed a board of visitors, whose duty it shall be to visit the penitentiary as often as they may deem proper, and at least

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once in each month, and make examination of the state of the institution, the health of the convicts, the manner of dieting them, the cleanliness of the cells, and the treatment of the convicts generally, and make such report to the Legislature as the condition of the institution may require.

“§ 20. That the sum of two hundred and fifty dollars shall be annually expended for the moral and religious instruction of the convicts; that tobacco, in such quantities, and at such times as may be necessary, be furnished to the convicts; and that the keeper shall pay to any convict who has been confined in the penitentiary, when he shall be discharged therefrom, the sum of five dollars—all of which expenses shall be paid out of the profits of the institution.

“§ 21. The sum of one hundred dollars is hereby appropriated, to purchase, under the direction of the Governor of this Commonwealth, an additional number of moral and religious books, to be added to the present library in the penitentiary; and said keeper shall have said books given out and returned every week, so that they shall be well taken care of.”

December 5, 1839. Ordered, That a committee on the Penitentiary be appointed: and a committee was appointed, consisting of Messrs. Caldwell, Yantis, McRoberts, Crow, Glenn, Murray, and Russell, who are to meet and adjourn from time to time, and to take into consideration all matters and things in relation to the penitentiary, and such other as may from time to time be referred to them, and report their proceedings, with their opinion thereon, to this House, and said committee shall have power to send for persons and papers and records for their information.

REPORT OF COMMITTEE.

February 3, 1840. The Committee on the Penitentiary would submit the following report:

“Very early in the session they repaired to the prison, and made an examination into the condition of the establishment. There, we take pleasure in saying, we witnessed a scene of order, subordination, and active industry, rarely to be met with. The prisoners, too, seemed to be in the possession of as much personal comfort as is consistent with the objects of the institution, or as is easily attainable, considering the condition of the old cells, which are now used as sleeping apartments. They were not satisfied with the report of the fiscal condition of the establishment, made by the clerk and keeper to the Legislature at the commencement of the session, and therefore resolved to propound to the clerk certain interrogatories, which might lead to an explanation of that document. The reply to those interrogatories is herewith submitted as part of this report, (marked A.) From this document, as well as from a personal inspection of the books, it appears that the clerk's books do not fully exhibit the condition of the establishment; but the agent must be relied on for the amount of stock, manufactured articles, &c. The committee are of opinion

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that the clerk should keep an account of the entire fiscal condition of the institution, and should be able to exhibit the profits of the institution at any time, from the face of his books, without resorting to the estimates of the keeper. They are further of opinion that he should keep separate accounts for each different shop or department of labor. From the best information they can obtain, this mode they conceive to be practicable, and are of opinion that it would be of great service in making future settlements, and would tend to prevent those difficulties which now embarrass the settlement of the accounts of former keepers. Much of the labor which would otherwise have devolved on the committee, has been removed by the law of the last session requiring the commissioners of the sinking fund to make periodical settlements with the institution, which law your committee find has been punctually complied with. We have not, therefore, given that scrutinizing investigation to the books which we otherwise would have done, and which both the keeper and clerk manifested a willingness and anxiety to afford us every facility for doing.

"From the best estimates that could be obtained, it appears that the profits of the institution for the nine months embraced in the report of the agent and keeper, are \$15,030 92, and the State's portion of the profits \$7,515 46, or one half the entire sum. The whole of this, however, it is supposed, will be absorbed by the estimates for the new cells which are now being built. The committee are of opinion that the salaries of both agent and clerk are entirely too high; but at present they are fixed, and beyond our reach.

"The keeper has not strictly complied with that section of the law of last session which prohibits the purchase of any article on credit for the institution. His apology for this is the necessity, growing out of barter transactions, for keeping open accounts with individuals having dealings with the institution. This could easily be obviated, as your committee believe, and the law complied with, by charging the keeper with all the articles thus bartered, and crediting him by the articles received in exchange at cash prices; thus making him personally, and not the institution, responsible to creditors.

"GEORGE A. CALDWELL, *Chairman C. P.*"

Governor Wickliffe, in his annual message, December 3d, 1839, says:

"The penitentiary is managed by the present keeper, under the existing laws, in a manner highly creditable to him and to the State. His treatment to the convicts is as humane as is consistent with the objects designed by their confinement. They are as well fed and clothed as the law which prescribes his duty upon this subject requires. The cells used at the present time are insecure, and wholly unfitted as places either of punishment by solitary confinement, with a view to reformation, or as places of rest from daily labor. Under the provisions of the act of the last session,

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the commissioners of the sinking fund directed the building of two hundred and fifty new cells, which are now in progress. In connection with the new cells, under a law of a previous date, it is contemplated to erect a building for an office and store-room. The superintendent has been directed so to construct the office that the second story thereof may be converted into an arsenal for the safe-keeping and preservation of the public arms. This additional room will cause but little, if any, increased expenditure."

(B.)

First quarter, 1839, ending May 31, 1839.

STATE PRISON DEBIT.

To Thos. S. Theobald.....	\$19,988 41
To sundry creditors	3,175 75
	<u>\$23,164 16</u>

STATE PRISON CREDIT.

By sundry debtors	\$8,508 15
By bills receivable.....	30 00
By cash	4 85
By penitentiary.....	14,621 16
	<u>\$23,164 16</u>

Second quarter, 1839, ending August 31, 1839.

STATE PRISON DEBIT.

To Thos. S. Theobald.....	\$24,201 95
To sundry creditors	4,734 91
	<u>\$28,936 87</u>

STATE PRISON CREDIT.

By sundry debtors	\$13,645 37
By bills receivable.....	65 33
By cash	82 29
By penitentiary.....	15,143 95
	<u>\$28,936 87</u>

Third quarter, 1839, ending November 30, 1839.

STATE PRISON DEBIT.

To Thos. S. Theobald.....	\$28,185 21
To sundry creditors	5,249 92
	<u>\$36,435 14</u>

STATE PRISON CREDIT.

By sundry creditors	\$10,574 21
By bills receivable.....	133 22
By Commonwealth of Kentucky.....	475 50
By cash	57 62
By penitentiary.....	25,194 58
	<u>\$36,435 13</u>

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Fourth quarter, 1839-40, ending February 29, 1840.

STATE PRISON DEBIT.

To Thos. S. Theobald	\$31,490 97
To sundry creditors	4,234 42
	<u>\$35,725 39</u>

STATE PRISON CREDIT.

By sundry debtors	\$26,433 32
By Commonwealth of Kentucky	501 26
By bills receivable	462 56
By cash	198 60
By penitentiary	8,129 66
	<u>\$35,725 39</u>

First quarter, 1840, ending May 30, 1840.

STATE PRISON DEBIT.

To Thos. S. Theobald	\$22,495 94
To sundry creditors	4,244 51
	<u>\$26,740 45</u>

STATE PRISON CREDIT.

By sundry debtors	\$13,514 20
By Commonwealth of Kentucky	1,007 79
By bills receivable	889 95
By cash	174 01
By interest	1 58
By penitentiary	11,152 92
	<u>\$26,740 45</u>

Second quarter, 1840, ending August 31, 1840.

STATE PRISON DEBIT.

To Thos. S. Theobald	\$30,894 52
To sundry creditors	5,144 56
	<u>\$36,469 08</u>

STATE PRISON CREDIT.

By sundry debtors	\$14,464 99
By Commonwealth of Kentucky	1,026 29
By bills receivable	944 21
By cash	442 23
By interest	8 35
By suspense account	338 22
By penitentiary	19,244 79
	<u>\$36,469 08</u>

Third quarter, 1840, ending November 30, 1840.

STATE PRISON DEBIT.

To Thos. S. Theobald	\$37,171 66
To sundry creditors	5,176 76
To penitentiary	6,345 83
	<u>\$48,694 25</u>

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STATE PRISON CREDIT.

By sundry debtors.....	\$43,535 35
By Commonwealth of Kentucky.....	2,488 22
By bills receivable.....	1,708 10
By cash.....	625 83
By suspense account.....	325 56
By interest.....	11 19
	<u>\$48,694 25</u>

FIFTH ANNUAL REPORT OF MR. THEOBALD.

"FRANKFORT, December 3, 1839.

"To the Hon. SAMUEL HANSON, *Speaker of the Senate*:

"SIR: I have the honor to transmit, through you, to the House of Representatives, my annual report, showing the condition of the Kentucky penitentiary on the 30th November last.

"Respectfully, your obedient servant,

"T. S. THEOBALD, *Keeper*."

The business operations of the institution, under the act of February 14, 1839, commenced on the first of March last.

The following is an exhibit of the financial condition on the 30th November, embracing a period of nine months:

PENITENTIARY DEBIT.

To Thos. S. Theobald.....	\$28,185 21
To other individuals.....	8,249 92
	<u>\$ 6,435 13</u>

PENITENTIARY CREDIT.

By Commonwealth.....	\$475 50
By bills receivable.....	133 22
By cash.....	57 62
By sundry debtors.....	10,574 21
By penitentiary.....	25,194 58
	<u>\$36,435 13</u>

Attest:

THOS. B. STEPHENSON, *Clerk Ky. Pent'y.*

PENITENTIARY DEBIT.

To penitentiary.....	\$25,194 58
To balance.....	15,030 92
	<u>\$40,225 50</u>

PENITENTIARY CREDIT.

By stock (raw material, manufactures, provisions, &c.).....	\$33,394 67
By Commonwealth, for estimate of labor and expenditures on new cells.....	6,875 83
	<u>\$40,225 50</u>

NUMBER OF PRISONERS.

In confinement November 10, 1838, date of last report.....	141
Received to March 1, 1839, under sentence.....	9
Fugitives recaptured.....	2
Total.....	<u>152</u>
Amount carried forward.....	152

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Amount brought forward	152
DISCHARGED.	
By expiration of term of sentence	3
By Executive pardon	12
By escape	8
By death	1
	<u>24</u>
In confinement March 1, 1839	198
Received under sentence	71
Fugitives recaptured	4
	<u>75</u>
	<u>203</u>
DISCHARGED.	
By expiration of term of sentence	26
By Executive pardon	11
By escape	6
By death	3
	<u>46</u>
In confinement November 30, 1839	<u>157</u>
CRIMES.	
Felony	103
Manslaughter	8
Counterfeiting	1
Horse stealing	11
Burglary	3
Mail robbery	2
Larceny	2
Forgery	4
Maiming	11
Perjury	1
Stabbing	1
Stealing slaves	4
Arson	3
Escape	1
Bigamy	1
Shooting	1
	<u>157</u>

The crimes are ascertained from transcripts furnished by the circuit court clerks, and the terms "felony" and "larceny" seem to be employed by many of them indiscriminately, and are applied indifferently to various specific crimes. This table, therefore, is not to be considered entirely accurate or satisfactory. A number of clerks are in the habit of furnishing no more than the mere judgments of the courts in the cases. The law makes it the duty of the clerks, I believe, to make full and complete transcripts of the records and proceedings in criminal convictions, from which alone this office can compile perfectly accurate statistics. The classification of the penal crimes of this State, however, is either not well understood, or has not been perfectly made. Accurate criminal statistics would furnish to legislators, jurists, legal writers, philosophers, and philanthropists, much useful information which is much sought after.

1834 to 1844—Thomas S. Theobald, Keeper.

TERM OF SENTENCE.

For 1 year	20
For 1 year and 1 day	1
For 1 year and 3 months	1
For 1 year and 6 months	2
For 1 year and 8 months	1
For 2 years	28
For 2 years and 6 months	1
For 3 years	29
For 3 years and 6 months	1
For 4 years	29
For 4 years and 3 months	1
For 4 years and 5 months	1
For 5 years	13
For 5 years and 6 months	1
For 5 years and 8 months	1
For 6 years	4
For 7 years	1
For 8 years	3
For 8 years and 6 months	1
For 16 years	1
For 10 years	15
For life	2
	<u>157</u>

NATIVITY.

Kentucky	50
Virginia	19
New York	14
Pennsylvania	14
Ohio	4
Massachusetts	4
Tennessee	4
North Carolina	3
Georgia	3
New Jersey	2
District of Columbia	2
Connecticut	2
Michigan	1
Illinois	1
Mississippi	1
Vermont	1
Indiana	1
Alabama	1
Louisiana	1
South Carolina	1
Maryland	1
England	8
Wales	1
Scotland	1
Ireland	10
Canada	3
Germany	1
Italy	1
Poland	1
Norway	1
	<u>157</u>

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COUNTIES SENT FROM.	
Jefferson.....	71
Campbell.....	7
Fayette.....	6
Hickman.....	5
Jessamine.....	4
Livingston.....	4
Bath.....	3
Clay.....	3
Franklin.....	3
Breckinridge.....	2
Bullitt.....	2
Christian.....	2
Harrison.....	2
Henderson.....	2
Knox.....	2
Laurel.....	2
Madison.....	2
Mason.....	2
Montgomery.....	2
Pike.....	2
Russell.....	2
Trigg.....	2
Warren.....	2
Twenty-three other counties one each.....	23
	<u>157</u>

EDUCATION.	
Common.....	55
Good.....	20
Superior.....	2
Poor.....	28
None.....	42
	<u>157</u>

AGES.	
From 15 to 20 years.....	22
From 20 to 30 years.....	85
From 30 to 40 years.....	26
From 40 to 50 years.....	14
From 50 to 60 years.....	9
From 60 to 70 years.....	1
	<u>157</u>

Two prisoners are convicts of the federal court; three are females, one of whom is a black; and there are seven black males.

December 9, 1839. Mr. Swope moved the following resolution, viz:

“Resolved, That the Committee on the Penitentiary be instructed to inquire into the propriety and expediency of providing by law for the support and maintenance of the destitute wives and children of convicts in the penitentiary of this State, out of the State’s portion of the proceeds of their labor, and that they report by bill or otherwise.”

Which being twice read, was adopted.

December 11, 1839. Mr. Caldwell, from the Committee on the Penitentiary, to whom was referred the resolution directing them to inquire into the propriety of supporting the destitute wives and children of convicts,

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out of the State's proceeds of the labor of the convicts, asked leave to be discharged from the further consideration thereof; which was granted.

On motion of Mr. Swope,

Ordered, That said resolution be referred to Messrs. Swope, Newell, and Reeves.

The following is the reply of the clerk to interrogatories made by the legislative committee alluded to on page 251:

(A.)

“OFFICE KENTUCKY PENITENTIARY,
“Frankfort, January 4, 1840. } ”

“SIR: Your letter of this date propounding sundry interrogatories to me in reference to the accounts, business, &c., of this institution, is acknowledged. For convenience and perspicuity, I copy your interrogatories, appending answer to each.

“*Interrogatory 1.* What are the items composing the charge of \$28,185 21 to Thomas S. Theobald, in your annual report dated December 3, 1839?

“*Answer.* Of the balance \$28,185 21, reported to the credit of Thomas S. Theobald, the sum of \$15,484 76 is for the inventory made by direction of the commissioners of the sinking fund, under the ‘Act prescribing the duties of keeper and clerk of the penitentiary,’ approved February 14, 1839, of the raw materials, stock, and manufactured articles belonging to the institution on the 1st of March, 1839. The provisions of the law of February 14, 1839, were, in effect, a purchase by the Commonwealth of all the materials, stock, and manufactures on hand in the institution at the expiration of the contract with the late agent and keeper, namely: On the 28th of February, 1839, and a sale of the same to the present keeper, whose term commenced March 1, 1839. The present keeper has executed to the Commonwealth his bond with security for the payment of a sum covering the amount of this inventory; and the amount of the inventory, therefore, has been passed to his credit. The residue of the balance reported to the credit of Thos. S. Theobald, is made up of sundry credits for payments made by him for the purposes of the institution, such as for hemp, iron, timber, fuel, provisions, clothing, pay of clerks, guards, &c., &c.

“*Interrogatory 2.* What are the items composing the charge in said account of \$8,249 92?

“*Answer.* They are credits to sundry individuals for hemp, iron, fuel, provisions, materials, and tools for the use of the institution, salaries of clerk, guards, &c., &c.

“*Interrogatory 3.* What are the items composing the credit in said account of \$475 50?

“*Answer.* Chairs for Land Office; utensils for Governor's house; a double flight of marble steps with iron railing for the Governor's house, and painting and repairing furniture for same.

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“Interrogatory 4. What is meant by crediting the penitentiary, ‘by penitentiary \$25,194 58,’ and what constitutes that credit?

“Answer. The item in the report, ‘by penitentiary \$25,194 58,’ is the balance against the institution as appears by the books on the 30th November, 1839. ‘Penitentiary’ is the title of the general account in my books, analogous to the general accounts of merchants’ books, entitled ‘merchandise’ or ‘stock in trade.’ I make this account debtor for every expenditure in behalf of the prison, of whatever nature; and I pass to the credit of this account the amounts of all sales and sums due in anywise to the institution; so that this balance of \$25,194 58 is the excess of purchases by the institution over the sales. If, in making the report to the Legislature, I had headed the general statement of its finances ‘State Prison’ or ‘Institution,’ the title of a general statement of all the accounts would not have been confounded with the title of a single account embraced in that general statement, as, I confess, in the shape in which, unluckily, I have presented it, it is liable to be.

“Interrogatory 5. What is the State’s portion of the profits arising from the institution during the period embraced in your report, and what is the entire profit?

“Answer. My report shows the institution in debt in the sum of \$25,194 58, and so it is on the face of the books. But against this balance which the books show, the keeper exhibits his estimate of stock on hand belonging to the institution worth \$33,349 67, and an estimate against the Commonwealth for labor and expenditures on the new cells now erecting, of \$6,875 83. If these estimates be true, the entire profits for the period embraced in the report, are \$15,030 92, and the State’s share of profit one half of that sum, namely, \$7,515 46.

“Interrogatory 6. Is it not practicable and proper to keep a separate account for each department of labor in the institution?

“Answer. It is not practicable; but if it were, it would be proper and satisfactory to do so. The branches of labor run into each other so intimately that it would be utterly impracticable in many instances to discriminate to which accounts (if accounts against the various shops were kept) materials and expenses should be debited, and to which the proceeds of sales should be credited. I was clerk of this institution in 1834–5, and desired much to adopt this system of keeping accounts, but found it out of my power. If another clerk were employed to attend solely to the operations of every department of labor, a set of accounts might be kept which would afford some satisfaction on the relative productiveness of each branch; but I am sure they could not then be made entirely accurate. To illustrate the difficulty of so keeping the accounts, it will only be necessary to state an every-day occurrence. A load of timber is received; it is parceled out as the pieces in it may be suitable, to the wagon-shop, the coopers’-shop, the chair-shop, the turners’-shop, and probably to half a

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dozen other shops, each one of which should be debited for its own share, and credited for the manufactured product: and yet it may, and often does so happen, that it is the joint labor of two or more shops which produces and confers value on one finished article for sale, the value of the labor in each of which shops it would be necessary, though difficult, and almost impossible, to estimate. The facts, therefore, set forth in such accounts, would be at best but conjectural. This difficulty is inseparable from the present system of penitentiary discipline where associated labor by day is recognized. In those prisons where day and night solitary confinement is enforced, such accounts might be kept with some degree of accuracy, and certainly with more convenience. But my experience assures me that the additional expense of keeping such accounts here would hardly be justified by this expediency. The pecuniary interests of the keeper under the present system of disposing of the labor of the institution will forever forbid him to employ the convicts in any but the most profitable branches of industry; and his judgment will always enable him not only to decide what are the most profitable branches, but to make approximate estimates of their relative productiveness as near the truth as in my opinion it could be arrived at under the present system by keeping many fictitious accounts.

“Interrogatory 7. What additional machinery, if any, has been erected under the 6th section of an act approved February 14, 1839?”

“Answer. None.”

“Interrogatory 8. Have any raw materials, stock, or provisions been purchased on credit for the institution since the passage of the law above referred to? If so, what amount?”

“Answer. Yes. In the period embraced in the report, to-wit: from March 1 to November 30, 1839, the whole amount of purchases on credit was \$8,810 87, generally at four and six months' time, all of which has been paid except the sum of \$1,934 27.”

“The amount of balances of \$8,249 92 stated in my report as appearing to the credit of sundry individuals on the 30th of November last, embraces many credits to individuals on barter transactions in which the productions of the institution are exchanged for the materials of its consumption; and it embraces also sundry credits to individuals payable whenever demanded.”

“Interrogatory 9. What amount has been paid to guards during the above period? How many guards have been employed, and at what salary?”

“Answer. The number of guards employed is seven; one of whom is the assistant keeper, whose salary is \$1,000 a year. Another guard, who is a skillful workman, and superintends the stone-cutting business and the building of the new cells, has a salary of \$400 a year; and a third, who is charged with the superintendence of the hemp department, has a salary of \$300 a year. Four others, who are termed night-guards, being on duty

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at all hours, day and night, have each a salary of \$180 a year. The whole sum earned by them at these rates has been paid, except balances too trifling to report, amounting to \$17 15 in the period mentioned.

"During the whole of last summer and fall, one, and a part of the time two, extra guards were employed to watch the prisoners quarrying and laying stone for the new cells, whose pay was at the rate of \$180 a year; but their pay was included in the estimate against the Commonwealth for building the cells.

"It is proper to add here, that the institution also pays the boarding of all these guards, at the rate of \$156 a year.

"*Interrogatory 10.* What does your salary amount to during the period embraced in your report, and what portion of your time is required in the service of the institution?

"*Answer.* The law of February 14, 1839, fixes my salary at \$1,000 a year, and allows me in addition ten per cent. on the excess over \$5,200 of the net annual profits accruing to the State. My regular salary, therefore, for the period named, is \$900; but I have made no estimate of the amount of the contingent salary. If the estimates of the keeper as to the profits of the institution from March 1 to November 30, 1839, be correct, or shall be realized, then the amount of the contingent salary would be \$376 54—making the whole salary in the period named \$1,276 54; but I have drawn no portion yet of this contingent sum. I am employed in the service of the institution from sun up till sun down, daily, except the Sabbath.

"In framing my replies to your inquiries, I have not supposed that, when asking the "items" of various accounts, you desired me to specify the particular articles purchased and their quantities, as the number of pounds of hemp, bacon, iron, &c., &c.; but if such was your intention, I have to submit my books, (and which I propose to do in any view of your intention,) that you may not only examine more fully into the matters propounded in your interrogatories, but inform yourself by personal inspection of the mode and style of keeping them.

"Very respectfully, your obedient servant,

"THOMAS B. STEVENSON, *Clerk Penitentiary.*

"GEORGE A. CALDWELL, Esq., *Chairman Com. Penitentiary, H. R.*"

Governor Letcher, in his message to the Legislature, December, 1840, says:

"The keeper of the penitentiary, by authority of law, and under the supervision of the commissioners of the sinking fund, is progressing with the erection of two hundred and fifty cells, and the enlargement of the area of the prison. The work is being constructed of excellent materials, and in a manner substantial, and calculated to endure for ages. The health and safety of the convicts absolutely required, and will be greatly promoted by, this improvement. From my frequent visits to the prison, I am satis-

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fied that the convicts are humanely treated, and their morals and health regarded, and that the management of the institution appears to be frugal and productive."

SIXTH ANNUAL REPORT OF MR. THEOBALD.

"FRANKFORT, December 7, 1840.

"MANLIUS V. THOMSON, *Speaker Senate*:

"SIR: Herewith I have the honor to communicate to the Senate my annual report, ending November 30, 1840.

"Respectfully, your obedient servant,

"THOMAS S. THEOBALD,

"*Agent and Keeper.*"

"The following report is submitted in obedience to the requisition of 'An act prescribing the duties of the keeper and clerk of the penitentiary,' approved February 14, 1839:

"By the blessing of Providence the prisoners have generally enjoyed excellent health. Subordination and good order have been well maintained, and the business operations of the past year have been highly prosperous. The construction of the new cells and office required by law has progressed as rapidly as possible. The cut stone work of the cells, embracing two hundred and fifty-two separate dormitories, is complete, and the building, I flatter myself, is a work not only well calculated for its intended object, but creditable to the State. The building, however, is not entirely completed, as the winter set in before the brick work and plastering could be executed, but will be finished as early as practicable next season.

"I have commenced laying the outer wall inclosing the cells, and also cutting stone for the new office.

"The financial statement of the clerk, marked (A), exhibits only the results of the purchases and sales on account of the institution, and does not embrace the estimates of the values of raw materials and manufactures on hand, nor of the labor and expenditures in building the new cells and offices now in process of construction.

"I subjoin estimates, from which it appears that the profits of the institution, earned from March 1, 1839, to November 30, 1840, amount to the sum of forty-two thousand five hundred and twelve dollars and sixty-five cents, viz:

Balance of profit reported by the clerk	\$6,345 83
Estimate of labor and expenditures on new cells and office.....	17,521 71
Inventory of raw material and manufactures on hand.....	18,645 11
Total	<u>\$42,512 65</u>

"Of which the sum of \$27,481 73 has been earned since November 30, 1839.

1834 to 1844—Thomas S. Theobald, Keeper.

“I subjoin some tables in reference to the prisoners, which may be deemed interesting:

NUMBER OF PRISONERS.	
In confinement November 30, 1839	157
Received since	64
Fugitives recaptured	4
	<u>68</u>
	225

DISCHARGED.	
By expiration of term of sentence	28
Pardoned by the Governor	24
Escaped	8
Died	3
	<u>63</u>

Leaving in confinement, November 30, 1840	<u>162</u>
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CRIMES.	
Felony	107
Larceny	15
Horse stealing	12
Manslaughter	9
Forgery	4
Intent to kill	3
Burglary	3
Mail robbery	2
Kidnapping slaves	2
Arson	2
Perjury	1
Bigamy	1
Escape	1
	<u>162</u>

“In relation to the specific crimes of the prisoners, the table is not satisfactory, as many of the circuit court clerks, in forwarding to this office the record of sentence, specify all crimes under the general term ‘felony.’ The means of ascertaining accurately the criminal statistics of the State is a subject which, in the opinion of many intelligent citizens, is well worthy the consideration of the General Assembly:

TERM OF SENTENCE.	
For 1 year	19
For 1 year and 3 months	1
For 1 year and 6 months	5
For 1 year and 8 months	1
For 2 years	27
For 2 years and 6 months	1
For 3 years	32
For 3 years and 6 months	1
For 4 years	32
For 4 years and 3 months	1
For 4 years and 5 months	1
For 5 years	12
For 5 years and 6 months	1
For 6 years	5
For 7 years	2
For 8 years	5
For 10 years	14
For 16 years	1
For life	1
	<u>162</u>

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NATIVITY.	
Kentucky.....	46
Virginia.....	23
Pennsylvania.....	19
New York.....	13
Tennessee.....	5
Ohio.....	4
Maryland.....	4
Massachusetts.....	4
North Carolina.....	5
Indiana.....	3
Georgia.....	3
New Jersey.....	2
Michigan.....	1
Illinois.....	1
District of Columbia.....	1
Alabama.....	1
Vermont.....	1
Connecticut.....	1
South Carolina.....	1
England.....	7
Ireland.....	7
Canada.....	4
Scotland.....	2
Italy.....	1
Switzerland.....	1
France.....	2

162

AGES.	
From 15 to 20 years.....	22
From 20 to 30 years.....	80
From 30 to 40 years.....	32
From 40 to 50 years.....	18
From 50 to 60 years.....	7
From 60 to 70 years.....	3

162

EDUCATION.	
Classic.....	1
Good.....	18
Common.....	101
None.....	41

Total..... 162

“Of the prisoners in confinement, seventy-one were sentenced by the Jefferson circuit court. Two are females, of whom one is black. There are eleven black males, and one Albino, or white negro. It will give me much pleasure to afford to the usual committees, as well as to all the members of the General Assembly, every facility for the examination of the books and management of the institution.

“THOS. S. THEOBALD, *Agent and Keeper.*”

(A.)

“OFFICE KENTUCKY PENITENTIARY,
“*Frankfort, December 30, 1840.* }

“SIR: In compliance with your verbal request, I transmit herewith the aggregated quarterly balance sheets, condensed from the general balance sheets reported to the commissioners of the sinking fund.

1834 to 1844—Thomas S. Theobald, Keeper.

"You will perceive by their dates that they embrace a period of one year and nine months, commencing first of March, 1839, and ending November 30, 1840—the former being the date on which the keeper's present term of office commenced. [*See table B, page 253.*] It may be proper to observe that the debit side of these balance sheets exhibits the liabilities of the institution, and the credit side the resources. But it is to be borne in mind, that while the debit side shows the entire liabilities, (except a few current accounts not rendered,) the credit side does not present the entire resources. The balance sheets exhibit only the results of those transactions which have been completed and entered on the account books, namely: expenditures and receipts, while the values of manufactures, raw materials, provisions, &c., &c., on hand, do not appear there. An estimate of these values, however, appears in the keeper's annual report to the General Assembly, under date of December 7, 1840.

"The term 'penitentiary,' which you will discover used in every quarterly balance, is the title of that general account in my books which represents the partnership, if I may so express it, existing between the Commonwealth and the keeper; and, accordingly, is the account into which every entry made, or to be made, of the business of the institution, is directly or ultimately carried—all expenses of whatever nature being carried to the debit side, and all sales to the credit side thereof.

"By inspection of the balance sheet for each quarter, you will find that there is a balance against this general account in every quarter but the last. The meaning of this is, that the amount of purchases and expenses is greater than the amount of sales by the amount of the balance reported against this general account; that is, that the institution is in debt on the face of the books. But this state of things may often appear when the institution is not actually in debt; and, indeed, when it is in the most prosperous condition; for it must be kept in mind that these balance sheets do not exhibit the value of raw materials, manufactures, &c., remaining on hand, unsold. In the last quarter, however, you will see that the balance of this account is on the other side, that is, that the amount of sales exceeds the amount of purchases and other debts, and that, therefore, the institution is nominally and actually out of debt. This, too, is the case without reference to the value of manufactures, raw materials, &c., on hand. I have made the foregoing explanations, which an experienced book-keeper would hardly deem necessary, in anticipation of inquiries which have hitherto been made. But it will give me a sincere satisfaction to reply to any further inquiries relating to my duties which have not been anticipated here.

"Respectfully, your obedient servant,

"THO. B. STEVENSON,

"*Clerk Kentucky Penitentiary.*

"JOHN DRAFFIN, Esq., *Chairman Committee on Penitentiary, H. R.*"

 1834 to 1844—Thomas S. Theobald, Keeper.

(A.)

 "OFFICE KENTUCKY PENITENTIARY, }
 "Frankfort, November 30, 1840. }

"SIR: Annexed is a statement of the pecuniary concerns of this institution on this day, condensed from the general balance sheet taken from my books and reported to the commissioners of the sinking fund.

"Respectfully,

"T. B. STEVENSON, *Clerk.*"

STATE PRISON DEBIT.	
To Thos. S. Theobald	\$37,171 66
To sundry other creditors	5,176 76
To balance on credit side general account profit	6,345 83
	<u>\$48,694 25</u>
STATE PRISON CREDIT.	
By sundry debtors	\$43,535 35
By Commonwealth of Kentucky	2,488 22
By bills receivable	1,708 10
By cash	625 83
By suspense account	325 56
By interest	11 19
	<u>\$48,694 25</u>

December 9, 1840. *Ordered*, That a Committee on the Penitentiary be appointed: and a committee was appointed, consisting of Messrs. Draffin, Graham, H. H. Smith, Haydon, Shaw, Triplett, and Combs, who are to meet and adjourn from time to time, and to take into consideration all matters and things in relation to the penitentiary, and such other as may from time to time be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers, and records for their information.

February 11, 1841. Mr. Draffin, from the Committee on the Penitentiary, made the following report, viz:

The Committee on the Penitentiary beg leave to make the following report:

"At an early day of the session the committee visited the penitentiary and were gratified with its operations. The convicts are managed under the most favorable circumstances the nature of their confinement admits. Every privilege the law allows is given them; they are kindly used. In fact, every thing that is calculated to exercise them in the way of reform is imparted to them. The treatment of the keeper met the entire approbation of the committee, believing, as we do, that unnecessary rigor has only the effect to retard reformation.

"The doctrine that extreme severity is the most likely method of reclaiming the prisoners has passed away, and, the committee hope, never to return. The system of solitary confinement by night, and silent labor by day, is confidently believed does and will have a beneficial influence on

1834 to 1844—Thomas S. Theobald, Keeper.

the morals of the unfortunate inmates, and will ultimately accomplish and come up to the expectations, and effect the important and benevolent objects of the founders of this system—a system that protects the Commonwealth and reforms the prisoner. The whole prison presents a scene of industry; the work-shops are clean and healthy; the health of the convicts is good; they are well clothed and comparatively happy; they are kindly treated by the keeper. They have plenty to eat, and that of good substantial quality. There are one hundred and sixty-two convicts in the penitentiary, as appears from the last report of the keeper. The construction of the office and the new cells authorized by law are in a state of forwardness, and will be completed within this year, or nearly so. The stone-work of the two hundred and fifty-two cells or dormitories is completed, and is highly creditable to the State.

“The committee examined the books and accounts of this institution. The books were found neatly kept by a competent clerk. The business of the institution, as appears from its books for the past year, is highly prosperous. The result of the examination of the accounts of the penitentiary, commencing 1st of March, 1839, and ending November 30, 1840, showing a condensed quarterly balance sheet made out and furnished by the clerk, which balance sheet, together with the letter accompanying the same, is hereby made part of this report, marked A and B.

“All of which is here to the House respectfully submitted.

“JOHN DRAFFIN,

“Chairman of Committee on the Penitentiary.”

January 21, 1841. Mr. Haggard moved the following resolution, viz:

“*Resolved*, That the Committee on the Penitentiary inquire into its discipline and abuses, if any; and, also, of any inhuman and merciless treatment recently inflicted on the convicts; and that they send for and compel the attendance of witnesses, and report to this House.

“Which being twice read, was concurred in.

January 27. Mr. Draffin, from the Committee on the Penitentiary, made the following report, viz:

“The Committee on the Penitentiary, to whom was referred the resolution of the House of Representatives of the 21st instant, to inquire into the discipline of the penitentiary and abuses (if any) recently inflicted upon the convicts, and that they send for and compel the attendance of witnesses, &c., have performed that duty, and beg leave to make the following report:

“That they have made inquiry touching the subject mentioned in the said resolution; that the general discipline of the institution is good; that chastisement has never been inflicted cruelly or inhumanly in the last two years.

“Your committee have no hesitation in saying, that to produce the due

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subordination necessary to the safety and prosperity of an institution in which are collected together so great a number of lawless and desperate men, that chastisement of some kind is indispensably necessary; and whatever difference of opinion may exist as to the kind and amount of punishment that should be inflicted for disobedience of orders, and the infraction of the laws of the prison, the committee believe that in many cases corporeal punishment is necessary.

"In relation to the particular case which they suppose gave rise to the resolution of inquiry, they, in person, examined the convict who has been punished, and had brought before them witnesses who were present at the time the punishment was inflicted, and examined them on oath. Although there is nothing in the resolution directing the committee to inquire into the cause of punishment, yet they feel it to be their duty to state that the convict alluded to had been sent out some mile and a half from the prison to get ice, and that he eluded the vigilance of the guard, and escaped some mile or two, and concealed himself in the adjacent hills, where he was discovered and retaken. It was in proof that the keeper said that the convict should have a genteel little dressing for his disobedience, and that the keeper directed W. Robertson to inflict the same; but said Robertson afterwards went to the assistant keeper for orders, who directed him to give the convict a decent dressing; and said Robertson says he gave the convict between seventy and eighty lashes, on the bare skin, with a cowhide; and from the stripes on the back and legs, we presume is about the number inflicted. But the committee, upon close examination, say that, though it was a severe whipping, yet it was not such a one as to be called cruel or inhuman. The committee believe that the practice of a subordinate directing punishment to be inflicted, or leaving the amount of punishment discretionary with a subordinate, is wrong, and should no longer be allowed.

"The committee have confidence in the humanity and skill of the keeper, and believe the institution has never been better managed, and believe that the keeper alone should pass sentence as to the mode and amount of punishment to be inflicted.

■ "All of which is respectfully submitted.

"JOHN DRAFFIN, *Chairman.*

"H. H. SMITH,

"GEO. W. TRIPLETT,

"JOHN SHAW,

"JOHN GRAHAM,

"ELIJAH COMBS,

"LEO HAYDON."

January 27. Mr. Clay moved the following resolution:

"*Resolved*, That the Committee on the Penitentiary be instructed to report a bill preventing the infliction of corporeal punishment upon con-

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victs in the penitentiary; but punish all prisoners by solitary confinement and fasting, only."

Mr. Goble moved an amendment as a substitute for said resolution.

January 28. Ordered, That the resolution proposed by Mr. Clay on yesterday, and the substitute therefor, proposed by Mr. Goble, be laid on the table for the present.

January 30. On motion of Mr. Haggard, leave was given to bring in a bill to amend an act, entitled "An act to appoint a keeper of the penitentiary, and for other purposes," approved February 15, 1834.

February 6. Mr. Haggard reported a bill to amend an act, entitled "An act to appoint a keeper of the penitentiary, and for other purposes," approved February 15, 1834.

SEVENTH ANNUAL REPORT OF MR. THEOBALD.

"FRANKFORT, January 3, 1842.

"C. S. MOREHEAD, Esq., *Speaker of the House*:

"SIR; I transmit herewith my annual report, in obedience to law, showing the condition of this institution on the 30th November, 1841, which you will please lay before the House of Representatives.

"THO. S. THEOBALD, *Keeper*.

"During the past year, by the blessing of Providence, the convicts have generally enjoyed good health, and it is highly gratifying that not one death has occurred. Since my last report, the new cells, then in progress, have been so far completed as to accommodate each prisoner with a separate sleeping apartment, by which the comfort, security, and health of the prisoners have been essentially promoted. The old cells having been torn away, the area of the yard has been much enlarged, affording now greater space for the operations of the interior, a matter of great consequence. The back walls of the new office have been erected to the square; but more pressing requirements forced me to bestow the labor intended for its completion in another direction. I have nearly completed a wall at the back of the prison, inclosing an area of about two hundred feet by sixty feet, which will add greatly to the safety of the prison, by effectually guarding a weak point of attack, the back gate, against insurrection. And the inclosure will also afford a convenient depository for lumber, fuel, stone, &c., &c., by which more room for manufacturing operations, so much needed, will be gained in the interior.

"Another important advantage of this additional space will be a perfect immunity from a horrible danger against which, previously, no provision had been made. In case of fire in the prison there is now afforded in this improvement a place of retreat from death; for no being could live in the area of the yard if the work-shops were generally on fire; and in such a disastrous event the alternative would be either to sacrifice the prisoners to the flames, or turn them out upon the public.

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"I have nearly completed a new set of work-shops, running through the center of the yard, eighty feet long by forty feet wide, which will enable me now to increase what could not before be done, the operations in the manufacture of bagging and rope, the most important and profitable branch of business conducted by the prison, and interfering less with the mechanics of the town.

"The removal of the old cells has enabled me to effect another improvement of great advantage, that of grading and macadamizing the yard, by which the comfort and health of the prisoners are no less promoted than the facility and dispatch of business.

"In regard to the morals of the convicts, they have had every incentive set before them to promote their reformation of heart. The gospel is regularly preached to them every Sabbath, by pious ministers, and other means of moral instruction are employed.

"While, as it regards a large number of prisoners, I cannot profess any confidence in their moral reformation, there are unquestionably examples of moral improvement, if not regeneration, which should greatly encourage the efforts and prayers of the Christian philanthropist in their behalf.

"The business operations of the year, as will be perceived by the financial exhibit below, have been more profitable than from the state of the times I anticipated at its commencement.

"With the foregoing remarks, all that occur to me as necessary, in explanation of the condition of this institution, I proceed to lay before the Legislature a series of tabular statements, which, I trust, will afford much satisfaction. I hope all the members of the General Assembly will visit and examine the penitentiary freely and frequently.

FISCAL CONDITION.

Balance of profits reported by the clerk	\$11,718 53
Labor and expenditure on new buildings, &c.....	39,453 72
Inventory of raw materials, manufactures, provisions, &c., on hand.....	21,109 92
	<u>\$72,372 17</u>

NUMBER OF PRISONERS.

In confinement November 30, 1842, date of last report	162
Received since, under sentence	70
Fugitives recaptured	2
	<u>72</u>
	234

DISCHARGED.

By expiration of term of sentence	51
By Executive pardon.....	16
By escape	5
	<u>72</u>
In confinement November 30, 1841.....	<u>162</u>

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AGE.	
Under 20 years	18
From 20 to 30 years	93
From 30 to 40 years	35
From 40 to 50 years	10
From 50 to 60 years	5
From 60 to 70 years	1
	<u>162</u>

NATIVITY.	
Kentucky	45
Virginia	22
Pennsylvania	15
New York	10
Ohio	10
Maryland	8
North Carolina	4
Massachusetts	4
Indiana	2
Tennessee	2
South Carolina	2
Alabama	2
Michigan	1
Illinois	1
District Columbia	1
Georgia	1
Missouri	1
Vermont	1
New Jersey	1
Connecticut	1
England	10
Ireland	7
Canada	4
France	3
Scotland	1
Switzerland	1
Poland	1
Germany	1
	<u>162</u>

RECOMMITTED.	
Under second sentence	13
Under third sentence	2
Under fourth sentence	3
	<u>18</u>

CRIMES.	
Homicide	9
Intent to kill	1
Felony*	92
Larceny	25
Horse stealing	15
Counterfeiting	3
Stealing slaves	3
Mail robbery	2
Forgery	4
Burglary	5
Perjury	1
Bigamy	1
Rape	1
	<u>162</u>

* Under the generic term "felony," many clerks, who furnish this office no more than the copy of sentence of the court, state the crimes of prisoners; so that this office has no official information enabling it to exhibit in all cases the specific crimes of convicts.

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EDUCATION.

Common	66
None	59
Little	18
Good	19
Superior	3
	<u>162</u>

SOCIAL CONDITION.

Married	30
Unmarried	132
	<u>162</u>

TERM OF SENTENCE.

For 1 year	20
For 1 year and 6 months	1
For 2 years	28
For 2 years and 4 months	1
For 2 years and 6 months	1
For 3 years	32
For 3 years and 6 months	2
For 4 years	29
For 4 years and 3 months	1
For 4 years and 5 months	1
For 5 years	9
For 5 years and 6 months	2
For 6 years	8
For 7 years	6
For 8 years	5
For 10 years	14
For 16 years	1
For life	1
	<u>162</u>

COUNTIES SENT FROM.

Jefferson	81
Fayette	10
Livingston	6
Campbell	4
Ballitt	3
Jessamine	3
Mason, Federal Court, Clay, Hickman, Logan, Pike, Madison, Kenton, Henderson, Breckinridge, and Clarke, two each	22
Warren, Garrard, Gallatin, Hopkins, Trigg, Laurel, Muhlenburg, Washington, Oldham, Meade, Montgomery, Boone, Perry, Estill, McCracken, Lawrence, Lewis, Henry, Shelby, Pendleton, Hart, Harrison, Carroll, Whitley, Hardin, Knox, Mercer, Russell, Franklin, Daviess, Fleming, Christian, and Green, one each	33
Total	<u>162</u>

SEX.

Males	159
Females	3
	<u>162</u>

COLOR.

Whites	153
Blacks and mulattoes	9
	<u>162</u>

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"Of the females, two are whites, one of whom is a foreigner; and of the white males, one is an Albino, or white negro.

"Respectfully submitted.

"T. S. THEOBALD, *Keeper.*"

(A.)

"OFFICE KENTUCKY PENITENTIARY, }
Frankfort, January 3, 1842. }

"THOS. S. THEOBALD, Esq.:

"SIR: The following condensed table exhibits the state of accounts of this institution on the 30th November, 1841.

"Respectfully, your obedient servant,

"THOS. B. STEVENSON, *Clerk.*"

STATE PRISON DEBIT.	
To Thos. S. Theobald.....	\$37,618 18
To sundry creditors.....	3,589 47
To penitentiary, (profits)	11,718 53
	<u>\$52,926 18</u>
STATE PRISON CREDIT.	
By sundry debtors	\$45,372 26
By bills receivable	2,809 31
By suspense account	3,146 82
By Commonwealth of Kentucky.....	1,296 88
By cash.....	299 52
By interest.....	1 39
	<u>\$52,926 18</u>

The Governor, in his annual message to the Legislature, 1842, says:

"The new buildings, consisting of the clerk's office, the arsenal, storerooms, &c., attached to the penitentiary, have been handsomely finished, and add very much to the convenience of the establishment. The institution is managed in the same commendable manner as heretofore noticed, and is, I think, doing exceedingly well. Its discipline appears to be based upon principles of benevolence, mixed at the same time with firmness and decision."

January 4, 1843. Ordered, That a Committee on the Penitentiary be appointed; and a committee was appointed, consisting of Messrs. Irwin, Beasman, Vaughan, Wheeler, Key, Cecil, and Watts, who are to meet and adjourn from day to day, and take into consideration all matters and things in relation to the penitentiary, and such other as may from time to time be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers, and records for their information.

January 28, 1843. Mr. Crow moved the following resolution, viz:

"*Resolved,* That the keeper and clerk of the penitentiary be requested to report to this House the following information from the clerk's books without delay.

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"1st. The cost of the new cells and buildings authorized by the act under which the present keeper of the penitentiary was appointed, by whom and in what manner estimated, as set forth in the last annual report of said keeper; the details of said estimate under general heads; and what value has been placed upon convict labor in making such estimate.

"2d. The accounts of the State, and of the keeper, witht he institution, and the account of the keeper with the State; showing the indebtedness of each to each as the books stand at the last annual report of said keeper; setting forth the moneys paid over to the State, from time to time, as profits of said institution."

Mr. Bondurant moved to amend said resolution by adding the following, to-wit:

"And also to inform this House what the clerk receives as his compensation, annually, from all sources.

"And the question being taken thereon, it was decided in the affirmative."

Mr. Daniel moved further to amend said resolution by adding the following, viz:

"*Resolved*, That the commissioners of the sinking fund be required to report to this House all settlements they have made with the keeper of the penitentiary under the act prescribing the duties of keeper and clerk of the penitentiary, approved the 14th February, 1839."

And the question being taken on adopting said amendment, it was decided in the affirmative.

Mr. B. L. Clarke moved to amend said resolution by adding thereto the following, viz:

"*Resolved*, That the keeper of the penitentiary report to this House the data and means by which he estimated the value of new cells, offices, shops, back walls, &c.; also, the annual amount of the salary of the clerk of the penitentiary since said office was created, including the ten per cent. allowed him upon all the profits of said institution over \$5,000; and that he report to this House what disposition has been or is proposed to be made of the balance of profits reported by the clerk from his books."

And the question being taken thereon, it was decided in the affirmative.

The question was then taken on the adoption of the resolution as amended, and decided in the affirmative.

January 31, 1843. The speaker laid before the House the response of the keeper and clerk of the penitentiary to a resolution from this House of Saturday last, which is as follows, viz:

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“OFFICE KENTUCKY PENITENTIARY, }
“Frankfort, January 30, 1843. }

“SIR: Please lay the inclosed statements before the House of Representatives.

“Very respectfully, your obedient servants,
“THO. S. THEOBALD, *Keeper.*
“THO. B. STEVENSON, *Clerk.*

“To JNO. L. HELM, *Speaker H. R.*”

EIGHTH ANNUAL REPORT OF MR. THEOBALD.

“During the year ending November 30, 1842, the general health of the prisoners has been good. Two deaths, indeed, have occurred; but they were attributable to no local influence. One of the deceased prisoners was far spent by a pulmonary disease when committed, and the other came to his death by a sudden attack of an inflammatory affection, which no remedial skill could arrest.

“The buildings and other improvements in progress at the date of my last report are all in a condition to be used, but not quite completed. A few days warm weather next spring will enable me to finish the whole. The discipline of the prison, moral and industrial, is attended with the same beneficial results hitherto reported. The business of the past year, like that of the preceding, resulted more favorably than the general state of pecuniary matters allowed me to anticipate at its commencement, as will be seen in the exhibit of the assets of the institution herewith reported.

“I submit below the usual tables, embracing every branch of information in regard to the prison usually sought after, and I hope the members of the General Assembly will personally visit the institution and investigate its condition and administration.

FISCAL CONDITION.

Balance of profits reported by the clerk from his books	\$28,684 94
Value of raw materials and manufactures on hand	14,418 52
Value of new cells, offices, shops, back wall, &c., per estimates not yet carried into account on clerk's books (a)	57,391 80
Aggregate of profits earned from March, 1839, to November 30, 1842.....	<u>\$100,494 56</u>

ANNUAL EARNINGS.

From March 1, 1839, to November 30, 1839 (9 months)	\$15,030 92
From November 30, 1839, to November 30, 1840 (1 year)	27,481 73
From November 30, 1840, to November 30, 1841 (1 year)	29,859 52
From November 30, 1841, to November 30, 1842 (1 year)	28,122 39
Aggregate for 3 years and 9 months	<u>\$100,494 56</u>

1834 to 1844—Thomas S. Theobald, Keeper.

Condensed statement of accounts, per clerk's books.

STATE PRISON DEBIT.

To Thos. S. Theobald	\$24,944 81
To sundry creditors	4,382 89
To interest	38 38
To penitentiary, (profits)	28,684 24
	<u>\$58,050 32</u>

STATE PRISON CREDIT.

By sundry debtors on account	\$51,006 93
By bills receivable	4,199 50
By cash	783 13
By suspense account	2,026 64
By Commonwealth of Kentucky	34 00
	<u>\$58,050 32</u>

THOS. B. STEVENSON, *Clerk Ky. Penitentiary.*

FRANKFORT, November 30, 1842.

NUMBER OF PRISONERS.

In confinement November 30, 1841, per last report	163
Received since, under sentence	76
Fugitives recaptured	8
	<u>84</u>
	246

DISCHARGED.

By expiration of term of sentence	36
Pardoned by the Governor (b)	36
Escaped	9
Died	2
	<u>83</u>
In confinement, November 30, 1842 (c)	163

CRIMES.

Felony (d)	61
Horse stealing	17
Larceny	37
Manslaughter	11
Burglary	10
Counterfeiting and uttering counterfeit money	6
Forgery	4
Robbery	4
Intent to kill	3
Stealing slaves	3
Mail robbery	2
Stabbing	1
Perjury	1
Rape	1
	<u>163</u>

RECOMMITTED.

Under second sentence	10
Under third sentence	2
Under fourth sentence	1
Under fifth sentence	1
	<u>14</u>

1834 to 1844—Thomas S. Theobald, Keeper.

TERM OF SENTENCE.	
For 1 year	16
For 1 year and 3 months.....	1
For 1 year and 5 months.....	1
For 2 years	32
For 2 years and 1 1/2 months.....	2
For 2 years and 4 months.....	1
For 2 years and 6 months.....	1
For 3 years	32
For 3 years and 6 months.....	1
For 4 years	25
For 5 years	13
For 5 years and 6 months.....	2
For 6 years	9
For 7 years	7
For 8 years	4
For 10 years	13
For 40 years.....	3

163

AGES.	
Under 20 years	17
From 20 to 30 years	88
From 30 to 40 years	41
From 40 to 50 years	10
From 50 to 60 years	7

163

EDUCATION. (e)	
Classical and scientific	4
Superior.....	4
English.....	8
Common English	63
Poor.....	33
None.....	49

163

NATIVITY.	
Kentucky.....	45
Virginia	20
Pennsylvania.....	16
Ohio.....	14
New York.....	9
Maryland.....	6
Georgia	4
North Carolina.....	4
Tennessee	4
Indiana	3
Massachusetts	2
South Carolina	2
Vermont.....	2
Alabama	2
District Columbia.....	2
New Hampshire	1
New Jersey	1
Connecticut.....	1
Ireland.....	10
England.....	9
France	2
Scotland.....	1
Germany	1
Sweden.....	1
Jamaica	1

163

1834 to 1844—Thomas S. Theobald, Keeper.

COUNTIES SENT FROM.

Jefferson	80
Fayette, Carroll, Washington, Hickman, and Kenton, four each	20
Breckinridge, Franklin, (f) Campbell, Laurel, Greenup, Logan, McCracken, and Livingston, three each	24
Bullitt, Mason, Hopkins, Jessamine, Pendleton, Fleming, and Madison, two each	14
Warren, Garrard, Gallatin, Clay, Ballard, Muhlenburg, Oldham, Montgomery, Butler, Boone, Barren, Bracken, Estill, Henderson, Graves, Lawrence, Shelby, Whitley, Mercer, Hart, Clarke, Russell, Meade, Daviess, and Hancock, one each	25
	<u>163</u>

SOCIAL CONDITION.

Married	38
Unmarried	125
	<u>163</u>

COLOR.

Whites (g)	156
Blacks and mulattoes	7
	<u>163</u>

SEX.

Males	<u>163</u>
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(a) The act of February 14, 1839, requires the account of expense of building the cells, &c., to be kept in a separate book, which has been so kept.

(b) Nearly all the convicts pardoned by the Governor were those whose terms of sentences would have expired within a few days after the date of pardon, and whose general good behavior merited this display of Executive clemency. Five of them were men who, on commencing the building in 1839, were promised by Governor Clarke a remission of their sentence after completing the stone-work, provided they discharged all their duties with fidelity.

(c) This result shows an increase in the number of prisoners for the two last years of but one, the number in confinement at the corresponding dates of 1840 and 1841 having stood at 162. Up to the close of the year 1840, the increase of crime, or, speaking more correctly, the increase of the number of convicts received in this prison, had been annually progressive. The cause of the arrest of this progression for the subsequent years is ascribable, in some degree at least, if not in a very great degree, to the suppression of intemperance effected by the efforts of the philanthropic societies which in every quarter of the State have directed their earnest labors to this desirable object. About two thirds of the convicts hitherto received in this prison have ascribed their crimes to the effect of intoxicating drink.

(d) I am still compelled to report the crimes of prisoners under this general term, doubtless embracing various specific crimes, owing to the fact that some of the clerks are in the habit of furnishing this office only transcripts of the sentences of the convicts. The omission to furnish complete transcripts of the proceedings has been pointed out to the defaulting clerks, and hereafter the transcripts will doubtless be perfect, so as to enable the keeper to make his tabular statements more full and satisfactory.

(e) Many of the prisoners who were utterly destitute of a knowledge of letters on commitment, have been taught to read and write. A few have been so far instructed in the science of numbers as to be able to keep their accounts in future; and one, named Alfred Craig, may not only be almost called a man of science, but I have not the slightest doubt is a thoroughly reformed man, who will become a useful citizen. He came here ignorant of the alphabet.

(f) Two of these convicts were sentenced in the federal court of Kentucky for mail robbery.

(g) One of those, though classed as white, having a very white skin and white hair, is unquestionably an Albino, a race of white negroes. He is an object of great curiosity to a physiologist.

"All of which is respectfully submitted.

"T. S. THEOBALD, *Agent and Keeper.*"

1834 to 1844—Thomas S. Theobald, Keeper.

February 16, 1843. Mr. Irwin, from the Committee on the Penitentiary, made the following report, viz:

"The Committee on the Penitentiary having had the condition of that institution under consideration, beg leave to report: That they did not think proper to extend their examination further back than the first day of March, 1839, when the last term of office of the present keeper commenced. According to the terms of the 'Act prescribing the duties of the keeper and clerk of the penitentiary,' approved February 14, 1839, the State loaned the keeper the sum of twenty-five thousand dollars, at an interest, payable semi-annually, at the rate of six per cent. per annum. This amount was made up to the keeper by transferring to him the raw materials, manufactures, &c., on hand at the close of the former term of service, valued by appraisers appointed under the said act of 1839, at the sum of \$15,484 76, by giving up to him his bond for \$6,000, executed in 1834, with the interest thereon; and by a credit on his account, on the books of the former term, for the sum of \$1,485 90. The interest on this sum of \$25,000 has been regularly paid by Mr. Theobald, (the keeper,) individually, in cash, for the benefit of the sinking fund, amounting up to the first of September, 1842, the date of the last semi-annual installment of interest, to the sum of \$5,250, paid by him from his individual resources, independent of any profits of the penitentiary.

"The last annual report of the keeper shows the assets of the institution, on the 30th November, 1842, to be, after providing for every debt then outstanding against it, the sum of \$100,494 56; made up of debts due on the clerk's books, \$28,684 24; estimated value of raw materials, manufactures, &c., on hand, \$14,418 52, and estimated value of new buildings, \$27,391 80, chargeable against the State, (except the sum of \$10,000, the amount of the keeper's individual assumpsit towards them by the terms of the act of 1839.) The effect of this assumpsit of \$10,000, by the keeper, will be to reduce the cost of the buildings to the State, as reported in the estimates of November 30th, 1842, to the sum of \$17,391 80, which, added to the clerk's contingent compensation, amounting in the whole time, from March 1, 1839, to November 30, 1842, three years and nine months, to a sum a little over \$3,000, will absorb the whole amount of the State's share (one half) of the profits of the institution from March 1, 1839, up to the date mentioned, November 30, 1842, say \$50,000.

"The committee cannot refrain the expression of the satisfaction they feel in contemplating the result of the establishment of the present penitentiary system of Kentucky; and they do not hesitate to affirm that results equally beneficial, either moral or pecuniary, have not attended any similar institution in the United States.

"The average number of convicts in the Kentucky penitentiary for the last four years has been about one hundred and sixty. The real profits

1834 to 1844—Thomas S. Theobald, Keeper.

realized by the State, including amount received from the keeper, as interest on the \$25,000 loaned him for the more efficient management of the institution for the three years and nine months reported, are—

Buildings	\$57,391 80
Interest on loan.....	5,250 00
	<u>\$62,641 80</u>

“It will be seen from this statement, that during a period of near 1,400 days of the keeper's last contract, each convict has paid to the State, as her share of profits, over and above all expenses, in the management of the institution, a net revenue of 28½ cents per day. Considering the embarrassed pecuniary condition of the country, and the difficulty of rendering any large manufacturing establishment profitable, this result is certainly very remarkable and gratifying.

“The committee will conclude this branch of their report by presenting a tabular view of the number of prisoners in nine penitentiaries, and the earnings and losses of the same for the year 1841, taken from the seventeenth (the last) annual report of the Prison Discipline Society published in Boston in 1842, from which it will be seen that the Kentucky penitentiary is far more profitably managed than any reported. The Ohio penitentiary, which approaches nearest to the Kentucky penitentiary in the amount of profits, it will be perceived, contains three times as many convicts.

Tabular view of nine Penitentiaries.

Penitentiaries.	No. of prisoners at commence- ment.	No. of prisoners at close of the year.	Expenses above earnings.	Earnings above expenses.
New Hampshire	78	84	-----	\$460 62
Massachusetts	322	331	\$1,015 92	-----
Rhode Island	14	21	6,458 86	-----
Auburn, New York	695	717	-----	17,076 78
Sing Sing, New York	827	811	-----	9,640 10
Maryland	329	284	6,493 13	-----
Connecticut	205	211	-----	8,065 29
Ohio	483	480	-----	21,897 32
Kentucky*	162	162	-----	29,859 52
	3,115	3,091	\$13,967 91	\$86,999 61

“Within the period above mentioned there were discharged from the prison 264 convicts, each of whom received, on liberation, the sum of five dollars. It is the policy of the State to show to the convicts and to

* In the Report of the Prison Discipline Society, the amount of earnings in the Kentucky penitentiary for 1841 is erroneously stated to be \$11,781 53. This is but the amount of debts due on the books the year reported, and does not embrace other assets reported that year. The above amount of \$11,781 53 is the balance of a larger aggregate of debts due the institution after deducting therefrom all the debts due by it.

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the world, that in the execution of her criminal justice she is merciful, not cruel. The committee, as will be seen in the bill herewith reported back by them to the House, propose to increase the gratuity given to convicts on their liberation; but to bestow it in such manner, that while it shall administer to their real comfort, and afford them no pretext of want for the commission of crime immediately on release, shall furnish them no means of instantly plunging into intemperance and other excesses. They propose to give to each convict the sum of five dollars in cash, and a complete suit of comfortable clothing on liberation. It is not unfrequently alleged by convicts, that on the expiration of their terms of service, they are cast forth destitute upon the world, with a mark of infamy branded upon them which prevents their procuring employment and honest means of livelihood, and that they must consequently starve or steal. The money and the clothing proposed to be given them in the bill, will be a sufficient resource till they can find honest employment; and the very fact of receiving them from the benevolent policy of the State will, in many instances, doubtless prove an incentive and stimulant to industry and virtue. The committee believe that the recommendation of this proof of kindness and regard towards an unfortunate class of individuals is but the echo of an enlightened and benevolent sentiment in the breast of the community towards fellow-beings. While our penal laws are designed to inflict just punishment on the guilty criminal, it is gratifying to every philanthropic mind to contemplate the fact that they are also designed to reclaim and reform the transgressor. To punish crime is one important object; to reform the criminal is another; and while justice requires the former, every moral principle recognizes the obligation which enforces the duty of endeavoring to accomplish the latter.

“In the same period above mentioned, eighty-seven of the prisoners liberated were discharged upon the executive clemency. On inquiry into this matter, the committee learned that in a large majority of cases the display of executive mercy was confined to convicts having discharged their duties during imprisonment with exemplary fidelity, whose terms of service were within but a few days of expiration. The cases are rare and attended with strong palliating circumstances in reference to guilt or cause of guilt in which the Governor has extended the power of pardon to prisoners having any considerable length of time to serve in completion of their sentences. The effect of this policy on the part of the Governor, the committee are informed and believe, is highly beneficial to the prisoners. It teaches them that there is humanity and sympathy for them; that an interest is felt in their welfare; and in proportion as they see such a spirit manifested, the desire to merit approbation, and recover their lost standing in the moral community, is awakened and strengthened. They are too apt to believe and to act on the belief that the world is at war with them; but the kindness and consideration which lead to

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acts of benevolence towards them, and more than all, dictate their release from imprisonment, convince them of their error, awaken kindly sentiments in their own bosoms; teach them that they have a stake in life and society worth recovering and preserving. The moment this state of feeling is produced there is a well founded hope of moral improvement, if not reformation, respecting its subjects.

“The committee regret to state that the board of visitors, the Auditor, Treasurer, Register, and Attorney General, appointed by law ‘to visit the penitentiary as often as they may deem proper, and at least once in each month, and make examination of the state of the institution, the health of the convicts, the manner of dieting them, the cleanliness of the cells, and the treatment of the convicts generally, and make such report to the Legislature as the condition of the institution may require,’ have not performed their duty for a number of years. A benevolent purpose of the law, that of guarding the comfort and well-being of a class of human beings utterly powerless to protect themselves by persons perfectly disinterested, has thus been unobserved. It is not that the prisoners have suffered from this negligence that the committee thus speak, for in all respects the committee find there has been nothing whatever to complain of, though much to commend regarding the treatment of the convicts, but they believe that the execution of the duty enjoined by law upon the board would have many beneficial effects upon the prisoners, and the condition of the institution, as was manifestly contemplated by the law. The committee, however, are happy to say, in this connection, that they have learned that the Governor takes a deep interest in the welfare and the proper treatment of the unfortunate beings confined in the penitentiary. They are informed that he makes very frequent visits into the interior of the establishment, examining, by personal observation, its entire affairs. He makes himself acquainted with the condition and treatment of the prisoners; and the display of this interest felt for them by the Governor, they are happy to be informed by the keeper, tends to tranquilize their passions, and render them far less discontented. A most unequivocal good effect of this benevolent regard, is the suppression almost wholly of the spirit of insurrection and revolt. It is rare that plots of escape are now entertained.

“The bill provides for the election of a keeper to succeed the present incumbent, whose term of office expires on the first of March, 1844.

“It provides that \$250 be appropriated to the moral and religious instruction of the convicts. This is believed to contain one of the most important principles of the proposed law. We are too apt to regard the inmates of a prison as hardened, abandoned, and beyond the reach of moral effort, and their moral reformation is too often conceived to be hopeless. In this prison one hundred and five are under thirty years of age, seventeen of whom are under twenty. They are our fellow-creatures, possess-

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ing the feelings and sensibilities of men. One eighth of them are youths, in whom the affections and sensibilities of our nature are tender, lively, and easily moved; and surely we should throw around them all the influences calculated to reform them, so that, on their restoration to liberty, they may return to the bosom of their families wed to virtue, fit and worthy members of the community.

"In regard to the manner of employing the labor of the prisoners, on which subject a resolution of the House, at an early period of the session, directed them to inquire, the committee have made some examination and bestowed some reflection; and they have arrived at the conclusion that the direction of the branches of industry should be intrusted solely to the keeper. Experience proves that hitherto he has made the labor profitable to the State; and it is the safest course to follow the path of experience. Were the keeper inhibited from pursuing certain branches of industry, or required only to pursue certain other branches, it might, and most probably would, result in loss both to him and the State. It should, indeed, be the policy of the State not to interfere further than indispensably necessary with the operations of honest citizens; but the idea that a profitably conducted penitentiary wrongs the community by reducing the profits of a few mechanics, will not bear the test of scrutiny. A profitable penitentiary lightens the public burdens by replenishing the treasury, while the honest industry of the country must be taxed to support an unproductive prison.

"In connection with this subject, the committee ask attention to the letter of the keeper accompanying this report, marked (A), in which the leading views governing him in planning the industrial operations of the penitentiary, are explained. Accompanying his letter is a statement, marked (B), showing the various employments of the prisoners and the number in each employment.

"JAMES W. IRWIN, *Chairman*.

"JOHN O. BEASMAN,

"JOHN WHEELER,

"MARSHALL KEY,

"COLBERT CECIL,

"WILLIAM R. WATTS,

"JOHN W. VAUGHAN."

(A.)

"OFFICE KENTUCKY PENITENTIARY, }
 "Frankfort, January 13, 1843. }

"SIR: The resolution of the House of Representatives, instructing the Committee on the Penitentiary 'to inquire and report the description and amount of agricultural implements and other articles manufactured in said institution, and where vended, &c.,' having been referred to me by you for

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answer to so much thereof as is quoted above, I proceed at once to the duty.

“It would prove a tedious, if not an impracticable task, to ascertain with accurate precision the amount of agricultural implements and other articles manufactured in this institution. No separate accounts of such manufactures have been kept; and when they are sold, the proceeds go into the general account.

“Understanding you not to desire a detailed and specific statement of such manufactures, I will present you a general idea of their amount, sufficiently correct, perhaps, for the purposes of legislation; and inferring from the terms of the resolution that information in relation to agricultural implements is more particularly desired, I will be more explicit in regard to them than others. I think I can best answer the resolution by premising the general views which have governed me in planning and carrying on the mechanical operations of the prison.

“In order to make the institution answer its designed objects, and to conduct it so as to render it useful to the public, without becoming a charge on the community, several considerations respecting its industrial operations are to be observed. As it respects the mechanical branches fit to be conducted, regard must be had in some degree to the qualifications, dispositions, and propensities of the prisoners. Most of them are dishonest and cannot be trusted. It is important, therefore, to keep them employed upon such materials as they cannot easily destroy without detection. An important consideration, therefore, has been to employ their labor on cheap bulky materials. But it is essential to the prosperity of the institution that the labor should be directed to the production of such articles as are of current demand, so as to insure the active employment of its means, and to guaranty a profitable result as well to the State as to the keeper. There is a natural, and to some extent, reasonable prejudice against such institutions when their products interfere in the market with the products of honest industry. It is important to remove the ground of this prejudice by refraining, as far as compatible with higher duties, to come into competition with the products of citizens at large. This consideration has had great weight in planning the branches of industry conducted. Another governing motive is the production of such articles as may be profitably bartered with the farmers and others for supplies of timber, fuel, provisions, &c., for the use of the prison. More than all this, the locality of the institution is such, that the demand of the surrounding country for agricultural implements is very inconsiderable, and hence a general system of manufactures in the prison, for the production of such articles, would result in overstocking this market, thus creating the necessity for establishing agencies abroad for their sale. I discovered this fact very soon after taking charge of the institution, and determined, as fast

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as possible, to reduce these branches of industry, and direct the labor of the prison to other objects.

"These have been the leading considerations in determining the branches of industry conducted here. I have been, however, restrained in carrying out my views of change in full, owing to the want of proper buildings to carry them out with the greatest success. For several years past I have been gradually reducing other branches of industry, and increasing the manufacture of hemp into cotton bagging and bale rope. There are weighty considerations in favor of this branch. It comes less in competition with the interests of our own citizens than any other which could be profitably conducted; it is a business which can be easily taught to prisoners, many of whom, on commitment, know no trade, or know only such as are not carried on; the products of this branch are carried out of the State for sale, thus giving no offense to the mechanics of our own State who vend their articles at home. Last year I operated with twelve looms, to which I have now added five more, making seventeen, and I am making arrangements to increase the number as fast as circumstances will allow. I contemplate increasing the number to twenty-four, which will employ about one hundred and thirty hands, leaving only enough to be employed in such other branches as are necessary to be conducted to keep up the vigor of the establishment, as, for instance, the manufacture of shoes for the prisoners alone, which would employ a small shop. But I apprehend I have said enough as to the general operations. I return to the subject of agricultural implements.

"In what is called the wood-shop, I have usually twelve men employed at various kinds of wood-work, but chiefly at wagon-work. They are not regularly employed, however, upon any particular description of work, as there is not a sufficient demand for specific articles to keep them so continually employed. We manufacture a few plows—perhaps, on an average, about fifty a year. Wagons and plows are the only agricultural implements which we pretend to keep regularly on hand, all other articles being only made to order.

"The wood-shop and blacksmith-shop are so intimately blended as to be considered for many purposes one, as for instance, in the manufacture of plows and wagons. A considerable proportion of the whole amount of labor in both these shops is directed to repairing wagons, plows, &c.; and the repairing business is perhaps more profitable than manufacturing new work. The sum, therefore, of what I have say in regard to the inquiry upon agricultural implements is, that while we stand ready to execute any small orders with which the institution may be favored for any articles of ordinary use among farmers, we regularly manufacture none but wagons and plows—from twenty to fifty a year of the former, and from fifty to one hundred of the latter, according to demand.

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"I add a statement below showing the number of hands employed in each branch of business, from which it will be seen that the hemp business is much the heaviest branch. It is the only one which furnishes a cash surplus for the uses of the institution; the other branches producing only such articles as are chiefly bartered off for supplies for the prison. The fluctuations in prices are such that I forbear attaching any money estimate of annual manufactures, presuming you will be content with the report of the annual earnings made to the General Assembly. All the articles manufactured in this prison are vended in it except bagging and rope, which is nearly all sold in Louisville and New Orleans.

"Very respectfully, your obedient servant,

"THOS. S. THEOBALD.

"J. W. IRWIN, Esq., *Chairman Com. on Pen'y.*"

(B.)

"Cotton bagging, seventeen looms, ninety hands, weaving about 4,250 pieces, each fifty-five yards; bale rope, three sets of spinners, nine hands, making about two thousand five hundred coils; blacksmiths, nine, ironing wagons, plows, repairing, &c.; wood-shop, twelve, making wagons, repairing, &c.; cooper, one; chair-framer, one; turner, one; engineer and fireman, one of whom is also miller, two; tinker, one; cleaning public arms, one; painters, two; harness-makers, three; shoemakers, five; tailors, three; hospital steward, one; cooks, three; washermen, two; stone-cutters, three; wool-carder, one; soap and tallow-chandler, two; lumpers, nine; in the hospital, one blind, and one consumptive, two; in all one hundred and sixty-three."

February 21, 1843. Mr. Irwin, from the Committee on the Penitentiary, to whom was referred a bill to provide for a final settlement with the present keeper of the penitentiary, for the election of another keeper, and for other purposes, reported the same with an amendment, which was concurred in.

On the 24th February, 1843, both Houses of the Legislature, according to previous arrangements by joint resolutions, went into an election of a keeper of the penitentiary to succeed Mr. Theobald, whose last term would expire on the 1st day of March, 1844.

After interchanging nominations for keeper or keepers of the penitentiary, eight votes were taken before any one received a majority of all the votes given. On the first ballot, the joint vote of both Houses stood thus:

For Mr. Theobald	27
For Blackburn & Bacon	13
For Mr. Sloan	4
For Mr. Bayles	7
For McFarran & Elliott	43
For Craig & Henry	26
For Sanders & Jackman	7
For Mr. McKinney	5
For Mr. Stealey	6

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On the second ballot the vote stood nearly as on the first. A resolution was then offered by Mr. Sterrett, which was taken up, amended, and adopted, as follows: “*Resolved by the Senate and House of Representatives, That hereafter, in voting for keeper or keepers of the penitentiary, they will drop the hindmost.*”

After a short time, a message was received from the House of Representatives, announcing that they had concurred in the said resolution.

The nomination of Sanders & Jackman was then withdrawn. The third vote on joint ballot stood as follows:

For Mr. Theobald	28
For Blackburn & Bacon	11
For Mr. Sloan	4
For Mr. Bayles	7
For McFarran & Elliott	43
For Craig & Henry	30
For McKinney	9
For Stealey	6

On the eighth and last ballot, the joint vote stood :

For McFarran & Elliott	57
For Craig & Henry	81

So they were declared duly elected keepers of the penitentiary for four years from and after the 1st day of March, 1844.

The act of the Legislature providing for the election of a keeper or keepers of the penitentiary, was reported by the Committee on the Penitentiary, and passed both Houses on the 23d February, but was not approved until the 8th day of March of the same session, some days after the election had taken place. This fact gave rise to some doubts in the minds of members of the next Legislature, and a committee, as will be seen, were appointed to examine the subject and make report. A majority and minority report will appear in the further progress of this history, which will explain the action of the Legislature upon the subject.

The first section of the above named act provided for a final settlement with Mr. Theobald, as follows: “That for the purpose of making a final settlement with the present keeper of the penitentiary, up to the 1st of March, 1844, when the time for which he was appointed expires, the raw materials, stock, and manufactured articles on hand shall be valued by two disinterested persons, to be selected by the commissioners of the sinking fund, at the expiration of the present keeper’s term of office; and said valuers shall take an oath before some justice of the peace, faithfully and impartially to value said property at a fair wholesale cash value, and annex the value to each article thereof, and return the same to the commissioners of the sinking fund, to be by them preserved; and valuers shall make a complete inventory of the tools and implements of trade in the penitentiary, and annex the value to each article, and the same shall be compared with the receipt of the keeper for the tools and implements of trade which were on hand when he last came into office, now on file in the Auditor’s

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office; and if the same shall fall short of the valuation made in said receipt, the keeper shall be charged with the deficiency; and if they exceed the valuation in said receipt, the keeper shall be credited with one half of the excess; and it shall be the duty of the commissioners of the sinking fund, and they are hereby authorized, to settle with the present keeper, and to divide the raw materials, stock, and manufactured articles, debits, and effects belonging to the penitentiary, in which the keeper and Commonwealth are jointly interested, in such manner as to provide for the payment of the debts, and the return of the twenty-five thousand dollars, with interest, which was advanced to the present keeper when he was last appointed keeper, and to divide the profits equally between the Commonwealth and the said keeper, in accordance with the law under which he became keeper; the said valuers shall, also, make an inventory of the machinery now on hand, and annex the value to each article, with the view of being handed over to the new keepers.

**REPORT OF THE COMMISSIONERS OF THE SINKING FUND, IN RELATION
TO THE PENITENTIARY.**

“Gentlemen of the Senate and House of Representatives:

“The commissioners of the sinking fund transmit to the General Assembly herewith, the report and accompanying documents of Richard Apperson and James M. Bullock, Esqrs., appointed under the 17th section of the act of the 14th February, 1839, entitled, ‘An act prescribing the duties of keeper and clerk of the penitentiary,’ to examine the accounts of the keeper of the penitentiary, and estimate the value of the cells or dormitories authorized by that act to be erected,

“The commissioners request that these papers be returned to them at the close of the present session.

“R. P. LETCHER, *Chairman Sinking Fund.*

“February 23, 1843.

“To the Commissioners of the Sinking Fund:

“The undersigned, having been appointed by you to examine the account, and to estimate the cost of erecting two hundred and fifty new cells or dormitories in the penitentiary, in pursuance of an act of the General Assembly of Kentucky, approved February 14, 1839, would submit the following report, which, although not complete, yet, so far as it goes, will supersede any further labor to ascertain the facts reported. The cells are not yet completed, nor are all of the charges for their erection thus far, embraced in this report. So far, however, as we could learn, the amount will not be great which will hereafter be added to the expenditure on account of these cells. The items composing these additional charges, will be principally for the putting up of the gable ends of the cells, the rent of the quarry from which the stone was removed, and the putting up of some heavy timbers over the upper cells.

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"The proprietor of the quarry (F. P. Blair, Esq.) does not reside in the State, and the amount to be paid to him for the use of it is not yet ascertained. It was originally designed to have a hipped roof, but that plan was changed after the wall had been built, and subsequently the wall was extended so as to make gable ends. The items composing the charges for the said ends have not been separated from other charges, and at present our time will not permit us to ascertain the cost of these items.

There has been paid to divers persons, (other than prisoners,) who superintended and executed work, &c., on the new cells, the sum of.....	\$2,657 56
(Of this sum, \$300 was paid to M. R. Stealey, Esq., as architect and engineer, employed by the commissioners of the sinking fund.)	
The lumber purchased on account of the new cells amounts to.....	1,329 37
Sundry miscellaneous expenses in the erection of the cells.....	873 75
Purchase of tools for quarrying, &c., and repairing the same during the erection of the cells.....	789 08
Amount paid for wagonage, in hauling stone, lime, lumber, and other materials, is	3,084 57
A large number of prisoners was employed to quarry stone, cut, put up, and set stone, and as carpenters in doing work on the new cells. In separate columns we have given the number engaged at each branch of business, that is, in quarrying and cutting; the carpenters and those who set and laid stone are put in the same line as those who cut stone, as we supposed their labor was worth about the same per day.	
Hands engaged at quarry.....	6,269 $\frac{1}{2}$
Hands cutting, setting, and laying stone.....	5,584 $\frac{1}{2}$
Carpenters.....	903
Aggregate of hands, or days' work.....	12,757

For reasons hereafter given, a reasonable price per day for these hands is assumed at one dollar, making an aggregate of \$12,757.

There was \$695 paid for guarding the prisoners at the quarry, and the books show that Mr. Theobald has credit for boarding the quarry guard for 46 $\frac{1}{3}$ months, amounting to \$600. This credit, we think, should not have been entered, but as it is entered, and as other hands than prisoners would not have required a guard, these two items, amounting to \$1,295, should be deducted from the labor account, \$12,757, and the balance is properly chargeable; it is.....	11,462 00
Sundry materials used in the erection of the cells, brick-masonry, iron doors, &c., &c.	17,688 28
By <i>measurement</i> , the gable ends (see papers L and N) will amount to.....	735 00
Making the total cost.....	\$38,619 61

"We would further report, that on the morning of the 18th instant we addressed Thomas B. Stevenson, Esq., clerk of the penitentiary, and propounded the interrogatories contained in paper marked (I), and on the same morning we also addressed M. R. Stealey, Esq., late architect and engineer in the erection of the new cells, and, with the exception of the four first, propounded to him the same interrogatories. On the morning of the 20th inst., Mr. Stealey informed one of us that he declined answering any of the interrogatories. On the latter day, however, Mr. Stevenson delivered to us his response to our inquiries, which response is herewith submitted, marked (K). Mr. Stealey remarked, however, that according to his recollection, the estimated cost of the cells was about \$32,000, and that wooden and not iron doors were estimated.

"We would remark that there are 252 cells, or dormitories, besides a

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hospital and guard room. The two latter have added very materially to the cost of the work, but were absolutely necessary to the comfort, convenience, and safety of the prisoners. There are 312 working days in the year, and 163 prisoners, and if an estimate of one dollar per day be put upon each prisoner confined in the prison,

The sum total for one year would be	\$50,916 00
From this deduct expenses, as estimated by the clerk in answer to first interrogatory	\$15,000 00
Deduct, also, the labor of seventeen hands, (see his answer to second and fourth interrogatories)	5,304 00
	<hr/> 20,304 00
	<hr/> <u>\$30,612 00</u>

"Thus showing, at one dollar per day, the profits would have been a little over thirty thousand dollars per annum; and as the reported or estimated profits approximate very nearly to that sum, we had concluded that to allow a dollar per day for the hands who were engaged in the erection of the cells, &c., is reasonable.

"Besides, from the evidence of Mr. Smith, an experienced stone-cutter, (see his statement, marked L,) it will appear that hands at the quarry were worth from \$20 to \$26 per month—the latter price being just \$1 per day.

"He also says that stone-cutters, setters, and masons, were worth from \$1 75 to \$2 50 per day. These and the carpenters we have averaged with the common hands at \$1 per day.

"If the quarry men and tenders be put down at 62½ cents per day, and stone-cutters, setters, masons, and carpenters at \$1 75 per day, the amount will greatly exceed the above average. An additional reason why it seems to us that the price of labor, as fixed, is not too high, is, that the work will, by this means, cost less than the original estimate, assuming that estimate at \$32,000. To which should be added the *difference* in price between wooden doors at \$15 each, (which was the price which Mr. Stealey thought had been his estimate, though Mr. Stevenson, in his answer, fixes the price at \$10,) amounting to \$3,780, and the iron doors, which cost \$10,296 72, which difference is \$6,516 72. The estimate was for one course of lintels above each row of cells. The change made an additional course of lintels in every instance, which additional course, according to the measurement, would cost about \$2,398. The cost of the gable ends, more than a hipped roof, (as estimated,) is about \$590 25; making an aggregate of estimate and additional cost in consequence of changes, of \$41,004 97. We would give another reason for allowing the price fixed of \$1 per day. We have measured and caused to be measured the work done in the erection of the cells, and taken evidence to prove the ordinary price of such work, (see papers marked K, L, and N,) and now submit the result assumed upon this basis:

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Amount estimated for stone work, (paper N)	\$23,536 54
Amount of iron doors for cells, 252	10,296 72
Amount of other iron doors, grates, nails, tin roof on guard-room, &c.	1,715 52
Amount for brick work	3,536 08
Amount for lumber	1,329 37
Amount for carpenters' work	1,242 58
Amount paid architect	300 00
Amount for lime and plastering, (4,200 square yards)	540 00
Amount for digging foundation, (paper L)	210 48
Making an aggregate of	<u>\$42,707 32</u>

“It therefore appears that to estimate the labor at \$1 per day for each prisoner, the amount for the building of cells, hospital, and guard-room will be less than the original estimate, including the additional work, and less, also, than what the whole would amount to at the usual prices for like work.

“To present the difference at one view, we annex the following:

Cost at \$1 per day for each hand	\$38,619 61
Cost according to the estimate	41,004 97
Cost according to measurement	42,707 32

“We would remark that the price charged for cell and other iron doors may be too high, (being charged at 18 cents per pound,) but we have been unable to procure evidence upon this point, and we may hereafter be able to investigate this charge. The finishing of the cells, only requiring the putting of some heavy timbers over the upper ones, will increase the cost but little. We have estimated the stone wall surrounding the cells, &c., or rather the northern side and east and west ends, (the southern side was standing before the year 1839.) and these walls cost about \$7,082 12, besides the doors, windows, &c., of the hospital, guard-room, &c., (see paper N,) which seems, however, is included in the calculation of this report. In measuring the stone-work, (which was done mostly by ourselves, and not by a workman,) we measured by straight lines, and we understand from a workman, (Mr. Smith,) that to measure the work according to the plan of doing so by stone-masons and setters, the measure will be very much greater, and would increase the amount several thousand dollars. This, of course, is only applicable to the last mode of estimating the cost of the cells, &c.

R. APPERSON,

“J. M. BULLOCK.

“February 22, 1843.”

(J.)

“WEISIGER HOUSE, February 18, 1843.

“THOS. B. STEVENSON, Esq., Clerk of Penitentiary:

“SIR: Will you be pleased to answer the following inquiries as early as your convenience will justify?

“1. What are the probable expenses of the prison per annum?

“2. What is the average number of prisoners in the hospital attached to the prison, who are unable to labor?

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"3. If there is any special reason why any one is so confined to the hospital, what is that reason?

"4. What number of prisoners, besides those in the hospital, are engaged in the prison, whose labor is unproductive so far as profits are estimated?

"5. By the estimate originally made of the probable cost of erecting 250 cells, were those cells to have iron or wooden doors?

"6. If of wood, what would have been the probable cost of such doors?

"7. Was the plan pursued as originally estimated?

"8. If nay, why was the original plan altered, and was that plan more or less costly than the one adopted?

"9. Were any changes made in the plan during the erection of the cells? If yea, was there any additional cost in consequence of such change, and by whose authority or direction was the change made?

"10. From May 6, 1839, to November 9, 1839, and from February 27, 1840, to May 22, 1841, what was a fair price for able-bodied hands to quarry stone?

"11. What was a fair price, per day, for stone-cutters, stone-setters, and stone-masons, from 31st May, 1839, to 22d May, 1841?

"12. What was a fair price, per day, for carpenters, from 29th of May, 1841, to the 19th of February, 1842?

"13. What is a fair price for the stone-work, carpenter's work, and plastering of the 250 cells, the guard-house, hospital, and wall surrounding the cells?

"14. Of the hands engaged in the prison at work on the cells, what proportion was mechanics, and what proportion was tenders?

"Your most obedient servants,

"R. APPERSON, }
 "J. M. BULLOCK. } *Commissioners.*"

(K.)

"OFFICE KENTUCKY PENITENTIARY, }
 "Frankfort, February 18, 1843. }

"GENTLEMEN: I have copied herein, and appended thereto, my answers to the interrogatories propounded to me in your letter of the 17th instant, received this day.

"1. What are the probable expenses of the prison per annum?"

"Answer 1. The annual expenses fluctuate somewhat; but I estimate the average at about \$15,000.

"2. What is the average number of prisoners in the hospital attached to the prison, who are unable to labor?"

"Answer 2. About four.

"3. If there is any special reason why any one is so confined to the hospital, what is that reason?"

"Answer 3. There are now two confined in the hospital, one being blind

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and the other consumptive, who will probably remain therein till their death or liberation.

“‘4. What number of prisoners, besides those in the hospital, are engaged in the prison, whose labor is unproductive, so far as profits are estimated?’

Answer 4. Thirteen.

“‘5. By the estimate originally made of the probable cost of erecting 250 cells, were those cells to have iron or wooden doors?’

• *Answer 5.* I never saw the estimate, but understood it contemplated wooden doors. Some time after the building was commenced, I heard the architect, who had been employed by the commissioners of the sinking fund to draft plans and superintend execution, debating with the keeper on the subject, the former arguing in favor of substituting iron doors for the wooden ones originally designed.

“‘6. If of wood, what would have been the probable cost?’

Answer 6. I am not well qualified to judge of this subject; but on inquiring of workmen, am informed that wooden doors would cost about \$10 each, which, I suppose, would be about a fair price, covering the expense of a small light grate in each door.

“‘7. Was the plan pursued as originally estimated?’

Answer 7. In answer to the fifth interrogatory, I stated that I never saw the estimate; but I understood from conversations with the architect and keeper, that the plan was amended in the progress of the building. The most important alteration was in the plan and materials of the doors. The plan of the gables was changed. There were probably other alterations, but I do not remember them with sufficient distinctness to specify them, for I had no duties regarding the buildings but to keep an account of the expenses.

“‘8. If not, why was the original plan altered, and was that plan more or less costly than the one adopted?’

Answer 8. I understood the original plan was altered in conformity to the suggestion of the architect, and with the approval of the commissioners of the sinking fund. The alterations in regard to the doors made the expenses much greater, from five to seven thousand dollars, perhaps; and I incline to the opinion that other alterations were somewhat more expensive than the original plan, as I understood it.

“‘9. Were any changes made in the plan during the erection of the cells? If yea, was there any additional cost in consequence of such change, and by whose authority or direction was the change made?’

Answer 9. This inquiry is answered substantially in the answer to the eighth interrogatory.

“‘10. From May 6, 1839, to November 9, 1839, and from February 27, 1840, to May 22, 1841, what was a fair price for able-bodied hands to quarry stone?’

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“11. What was a fair price, per day, for stone-cutters, stone-setters, and stone-masons, from May 31, 1839, to May 22, 1841?”

Answer 10 and 11. I do not think myself well qualified to answer these questions. I have understood that similar laborers, in the period mentioned, received from \$16 to \$22 per month, found, for work on the lock and dam near this place. For a head quarryman, in 1839–40, we had to pay \$30 to \$45 per month; and for a stone-layer, in 1839, \$2 per day. In a private stone-cutting shop in this place, I was informed by the proprietor that he paid from \$2 to \$3 a day for stone-cutters. In regard to the value of such labor, however, you can obtain, I doubt not, much more reliable information from the Board of Internal Improvement.

“12. What was a fair price, per day, for carpenters, from the 29th of May, 1841, to the 19th February, 1842?”

Answer 12. From \$1 50 to \$2 a day. The keeper is now paying \$1 50 a day, cash, for carpenters on a private dwelling-house in this town, and I myself paid \$2 a day, 1841, for carpenter's work on my own dwelling.

“13. What is a fair price for stone-work, carpenter's work, and plastering of the 252 cells, including guard-house, hospital, and wall surrounding the cells?”

Answer 13. I am not fully qualified to answer this question with authoritative precision, being somewhat ignorant of the value of some of the elements of the estimates. I am, perhaps, however, as well informed on them as any one man could be of so many different branches of expenditures. All of these expenditures passed through my books; and I incline to the opinion that the account which I rendered you yesterday, estimating the labor charged therein at one dollar a day, would present as nearly a fair, just, and equitable statement of the value of the whole as I am qualified to give. I think the prison would have made about as much, had the labor been directed to mechanical industry instead of building. This opinion will receive pretty strong confirmation from a consideration of the aggregate amount of profits reported to have been earned by the whole labor of the institution in the last four years. And this opinion derives additional support from the fact that all the outlays for the buildings, so far as the productive operations of the penitentiary were concerned, were not only dead capital, but served to cramp and embarrass mechanical operations by the abstraction of that capital which would have infused into them greater activity and vigor.

“14. Of the hands engaged in the prison at work on the cells, what proportion was mechanics and what was tenders?”

Answer 14. The stone-cutters had always one, and never more than one

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tender; the carpenters and quarrymen had none; the stone-masons had from one to six, in proportion to the number laying stone.

"I have the honor to be, gentlemen,

"Very respectfully, your obedient servant,

"THOS. B. STEVENSON, *Clerk Penitentiary*.

"TO RICHARD APPERSON, Esq., and JAMES M. BULLOCK, Esq., *Commissioners*.
Frankfort, Kentucky.

"I append to my answer to the eighth interrogatory, at the suggestion of the commissioners, the following additional statement: I understood the original plan contemplated the ends of the cells to be finished by hipped roofs. The plan was so far altered as to substitute a gable of stone, with copings, and expensive grates, making the expense, in my opinion, greater. I understood, also, that an entire new row of lintels, or string pieces, were added between each row of columns, around the entire block of cells, making, therefore, two entire additional rows of cut stone more than the original plan, as I understood it. There were also other changes made, which required work already done to be pulled down, which resulted either from changing the plan, or the architect not seasonably instructing the foreman as to the working plan, or, possibly, from misapprehension on the part of the foreman (Robinson) of the architect's directions.

"THOS. B. STEVENSON, *Clerk Pen'y*.

"February 20, 1843."

(L.)

The following interrogatories were answered as follows, by Mr. Joseph Smith, a stone-cutter, of the town of Frankfort, to-wit:

"Will you state, Mr. Smith, what was a fair price for able-bodied hands to quarry stone, from May 6, 1839, to November 9, 1839, and from February 27, 1840, to May 22, 1841?

"*Answer*. I am a stone-cutter myself, and was engaged during the times above specified, in the business in the town of Frankfort. I can only estimate the worth of able-bodied hands to quarry stone by the price I was compelled to give myself. I gave, during those periods, from \$20 to \$26 per month, and boarded them.

"What was a fair price, per day, for stone-cutters, stone-setters, and stone-masons, from May 31, 1839, to May 22, 1841?

"*Answer*. Stone-cutters, setters, and masons were, during that period, worth as follows: ordinary workmen, \$1 75 per day; good workmen, \$2 to \$2 50 per day. I myself paid those prices.

"*Question*. What was bush-hammered work worth per foot, and what was common mason work worth per perch, from May 31, 1839, to May 22, 1841?

"*Answer*. The average price of mason work, during that period, was from

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\$3 to \$3 50 per perch. The bush-hammered work was, during the same period, worth 75 cents per foot, superficial measure.

“Question. Have you examined the work done upon the new cells and walls erected in the penitentiary and around the cells, by Mr. Theobald, the keeper, and are the above prices a fair compensation for said work?

“Answer. I have seen the work, and think that the above prices would be a fair compensation therefor.

“Question. Have you examined the outer wall of the hospital and guard-room, and what is a fair price for the stone-work?

“Answer. The foundation is worth \$2 50 a perch; the balance, which is bush-hammered, is worth \$1 25 a foot, superficial measure. I mean that it was worth that at the time the work was done.

“What was a fair price, during those periods, for digging foundation for walls?

“Answer. About 37½ cents per square yard.

“Signed, JOSEPH SMITH.”

(N.)

Estimate of stone-work, &c., of cells, &c.

	Feet.
Two hundred and forty-six columns in cells, each thirty-four feet.....	8,364
Bottom sills.....	1,128.6
Face of foundation stones.....	1,251.6
Three double courses lintels.....	4,796
Ends and corners of cells.....	1,237.5
Foundation for arches.....	3,010
Doors into guard-room and cells.....	182.10
Six lintels and sills for three windows.....	108
Gable end, of cut stone.....	603.4
Wall looking into prison over guard-room, &c.....	145.6
Chimney.....	64
Copings of east and west gables.....	184
	<hr/> 21,075.1 <hr/>
By paper L, this is worth 75 cents per foot, superficial, or.....	\$15,806 25
Outer wall of guard room and hospital in the street, 1,470 feet, as per paper L, worth \$1 25 per superficial foot.....	1,837 50
Total for hammered stone.....	<hr/> \$17,643 75 <hr/>
Foundations under cells, and under west end, north side, and northwest of outer wall, 5 feet thick and 5 feet deep, 739.9 linear perches, at \$2 50.....	\$1,894 37
North wall 2129-12 feet long, 5 feet thick and 21 feet high, at \$3.....	2,680 80
East wall, 4910-12 feet long, 5 feet thick and 21 feet high, at \$3.....	502 32
Gable of east wall, 1,206 feet, at \$3.....	144 72
Foundation of wall between cells and hospital, 4910-12 feet long, 3 feet wide and 3 feet deep, at \$2 50.....	44 25
Wall above last foundation, 2 feet thick and 21 high, at \$3 50.....	292 88
Foundation for long partition walls of cells, at \$2 50.....	115 65
Foundation for short partition walls of cells, at \$2 50.....	217 30
	<hr/> \$5,492 79 <hr/>
	17,643 75
	<hr/> \$23,536 54 <hr/>

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NINTH ANNUAL REPORT OF MR. THEOBALD.

"Many of the prisoners, during the year ending November 30, 1843, have been the subjects of ill health. For about six weeks, last spring, a distemper, termed influenza, prevailed among them, affecting all of them more or less severely; and during the month of November, about fifty convicts attacked by measles were confined to the hospital.

"Six deaths are reported the present year, which shows an unusual mortality. The result, however, I think, cannot be attributed either to the local causes or to the effect of the established discipline, diet, or treatment. Of the deceased, three died of inflammation of the lungs; one very suddenly, of a disease of the heart; one of fever, and one hung himself at night to the door of his cell, while the officers of the prison were seeking and extinguishing a slow match which he had placed in one of the work-shops, with a view of burning down the buildings, hoping to escape, no doubt, in the confusion of the conflagration.

"The moral and intellectual culture of the prisoners, which has been so long an object of my earnest solicitude and labor, has been continued with the same gratifying results heretofore reported.

"The business of the year has been considerably depressed. The market for bagging and rope, which are the most important productions of the institution, has been more unfavorable than usual. The amount of profits will be materially influenced by the valuation placed on the raw material, manufactures, &c., &c., by the valuers who are soon to be appointed by the commissioners of the sinking fund. Hitherto, in making my annual reports, I have estimated these effects on my own judgment. As the law requires them to be valued by disinterested persons in so short a time from this date, I have not thought it proper for me now to put my estimate upon them, as the propriety of such an act might be questioned. Besides this, I have not received full account sales from New Orleans of bagging and rope sent thither, the proceeds of which will constitute a very large portion of the profits of the year. Owing to this state of facts, I am unable to present an accurate statement of the profits of the year. On the best judgment I can form, with all the lights now before me, I can venture to say, however, that the profits of the year will not probably fall short of \$20,000.

"The state of accounts between the Commonwealth and the institution was reported in an answer of the keeper and clerk of the penitentiary, under date January 30, 1843, to a call of the House of Representatives during the last session, at which time it was estimated that the State had received her full share of the profits earned theretofore.

"The earnings of the penitentiary, from March 1, 1839, to November 30, 1842, were reported to be the sum of \$100,494 56, of which the State had at that date received her proportion—one half, or a little more.

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“The law requires the commissioners of the sinking fund to settle with me and receive whatever may be due from me individually and as keeper. I have reported to the commissioners that I shall be ready, without the smallest delay, to make a final settlement, and pay over whatever may be due to the State according to law, whenever the valuers to be appointed by them shall have valued the raw materials, manufactures, machinery, tools, implements, &c., &c.

“The following tables furnish the details of information in regard to the penitentiary usually sought for. It will afford me great satisfaction to present any additional information in my possession desired by members of the General Assembly, and to afford them every facility for a personal examination of the institution:

NUMBER OF PRISONERS.

In confinement November 30, 1842, per last report	163
Committed since.....	72
	<u>235</u>

DISCHARGED.

By expiration of term of sentence.....	29
Pardoned by the Governor (a)	32
Escaped	2
Died.....	6
	<u>69</u>

In confinement November 30, 1843.....	<u>166</u>
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CRIMES.

Larceny.....	58
Felony (b).....	41
Horse stealing.....	21
Manslaughter.....	11
Burglary	9
Counterfeiting and having and uttering counterfeit money	7
Forgery	6
Robbery.....	4
Stealing and running away slaves.....	3
Mail robbery.....	2
Perjury.....	1
Bigamy	1
Rape.....	1
Intent to kill.....	1
	<u>166</u>

TERM OF SENTENCE.

For 6 months.....	1
For 1 year	15
For 1 year and 1 day	1
For 1 year and 3 months.....	1
For 1 year and 5 months.....	1
For 1 year and 6 months.....	1
For 2 years	31
For 2 years and 1½ months.....	2
For 2 years and 2 months	1
For 2 years and 6 months.....	1
For 3 years	34
For 3 years and 6 months.....	1
	<u>90</u>
Amount carried forward.....	90

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Amount brought foward.....	90
For 4 years	23
For 5 years	9
For 5 years and 6 months.....	3
For 6 years	9
For 7 years	5
For 8 years	5
For 9 years	1
For 10 years	13
For 40 years	3
	<u>166</u>

AGES.

From 15 to 20 years.....	21
From 20 to 30 years.....	91
From 30 to 40 years.....	37
From 40 to 50 years	9
From 50 to 60 years.....	7
From 60 to 70 years	1
	<u>166</u>

EDUCATION. (c)

None	54
Poor	23
Common	67
Good.....	16
Superior.....	6
	<u>166</u>

NATIVITY.

Kentucky.....	44
Virginia	20
Pennsylvania	18
New York	12
Ohio	9
Tennessee	7
Vermont	4
Maryland.....	4
North Carolina.....	4
South Carolina.....	3
District of Columbia.....	3
Indiana	3
Massachusetts.....	2
New Jersey	2
Alabama	1
Illinois	1
Georgia	1
Connecticut.....	1
New Hampshire	1
Ireland.....	10
England	6
Scotland.....	2
Africa.....	2
Sweden.....	1
France	1
Mexico.....	1
Jamaica.....	1
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COUNTIES SENT FROM.

Jefferson.....	73
Kenton.....	10
Hickman.....	6
Marion and Fayette, five each.....	10
Bullitt, Washington, Logan, and McCracken, four each.....	16
Breckinridge, Greenup, and Carroll, three each.....	9
Franklin, Pulaski, Jessamine, Boone, Ballard, Henderson, and Livingston, two each.....	14
Garrard, Hopkins, Monroe, Harlan, Campbell, Clay, Laurel, Christian, Oldham, Butler, Pendleton, Henry, Estill, Knox, Caldwell, Shelby, Fleming, Scott, Madison, Whitley, Russell, Meade, Marshall, Morgan, Hancock, and Warren, one each.....	26
Federal Court, District of Kentucky, Frankfort.....	2
	<u>166</u>

COLOR.

Whites.....	154
Blacks and mulattoes.....	12
	<u>166</u>

SEX.

Males.....	<u>166</u>
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(a) Nearly all the convicts pardoned by the Governor were those whose terms of sentence would have expired within a few days after the dates of pardon, and whose general good behavior merited this display of Executive clemency.

(b) I am still under the necessity of reporting the crimes of a number of convicts under the generic term "felony." This is owing to the fact that many of the clerks were in the habit of furnishing this office nothing but a transcript of the sentence of the courts, without specifying the crime. The omission to furnish full transcripts has been pointed out to the clerks, who will doubtless in future make them perfect, so as to enable this office to furnish statistics under this head perfectly accurate.

(c) The class designated "poor," are those who could only read; those "common," who could read, write, and cypher; those "good," who had the benefit of a more extended English education; those "superior," who had a classical or scientific education. Many who came here ignorant of the alphabet have been taught to read, write, and cypher, and encouragements and facilities have been held out to all to improve their attainments.

"All which is respectfully submitted.

"THOMAS S. THEOBALD,
"Agent and Keeper."

1844. "Mr. Campbell, from the committee for Courts of Justice, made the following report, viz:

"The committee on Courts of Justice, to whom a resolution was referred, directing them to inquire 'whether the election of keepers of the penitentiary at the last session of the Legislature was by authority of law, and whether the bond executed by those keepers could be enforced for a breach thereof,' beg leave to report: That the election of keepers of the penitentiary on the 25th day of February, 1843, was in pursuance of a joint resolution of the Senate and House of Representatives, approved by the Governor. The committee are of opinion, that if the right to fill the office of keepers can properly be exercised by the joint action of the Senate and House of Representatives, then a joint resolution, such as was passed and approved by the Governor, previous to the election of Craig & Henry, and their election to fill the office of keepers, was valid, and they have been properly and legally elected to that office. The act relating to

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the penitentiary, passed at the last session, was not approved until after the election, but that act is almost a literal copy of the act of 1839, and there can be no question the office of keeper existed without the act of March 8, 1843. That act limits the tenure of the office like the preceding laws. It is true, the act of March 8, 1843, provides that keepers shall be elected by a joint vote of the Legislature; but the Legislature of the State, the same power that enacted the law, under a joint resolution approved by the Governor, having filled the office by the election of Craig & Henry, so much of the act of March the 8, 1843, as required an election, was anticipated.

“The committee are fully satisfied, that a bond executed by Craig & Henry, as keepers of the penitentiary, could be enforced at law for a breach of its conditions. So far as the exercise of the right to elect keepers of the penitentiary may be called in question, the committee are fully impressed with the importance and delicacy of the inquiry. It is a right that must be tested by the constitution, and had the question to be settled for the first time, the committee would have less difficulty in arriving at a just and satisfactory conclusion. The right to elect and appoint a keeper of the penitentiary has been exclusively with the Legislature for near twenty years—conceded by the different chief magistrates of the State during that period of time, and concurred in by the people; and the long continued exercise of that power, submitted to without cavil, affords a strong argument in favor of the right of the Legislature to fill the office; it is true, an unconstitutional assumption of power by either or both branches of the Government, however sanctified by time, could not repeal the principles of the constitution, or render an act void, good, or valid. Still, in all cases of doubt it should be treated with great respect by the people and by the councils of the State, as embodying the construction placed upon the constitution by portions of our most patriotic and distinguished statesmen and lawyers. The committee could here, if necessary, refer to several instances where practice and continued usage have been regarded as settling and defining the extent of constitutional power. Entertaining these views, and being fully impressed with the conviction that the question of right, as between the Governor and the Legislature to fill the office of keeper, is purely a legal question, they do not perceive how any opinion of the committee can be made to bear upon that question; succeeding Legislatures will, no doubt, continue to claim and exercise that power so long as they conceive its exercise sanctioned by the fundamental law, and the policy of the State. Had this investigation been made previous to the election, then the action of the Legislature might have been influenced by a report of your committee. The office of keeper of the penitentiary, and the institution, are unknown to the constitution—not mentioned, or alluded to, or in contemplation by the framers of that instrument; consequently, no provision exists relative to the office

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of keeper or agent. And the committee have arrived at the conclusion in their minds, that the penitentiary, being the mere creature of legislative enactment, the same power that made the office would have the right to provide, by law, for filling the office. The majority of the committee submit the foregoing as the result of their conclusions upon the important questions embodied in the resolution."

"Mr. Apperson, from the minority of the committee for Courts of Justice, made the following report, viz:

"The undersigned, a minority of the committee of Courts of Justice, to whom was referred the resolution relative to the election of keepers of the penitentiary, and the regularity and legality of that election, would report:

"That the penitentiary was established in 1798, and besides the keeper there was another office connected with it called the agent, and this agent was continued in several subsequent acts until 1815, when the office of agent was abolished, and all his duties, by the act of 1815, were thrown upon 'the keeper.'

"The keeper of the institution was appointed by the Governor, by and with the advice and consent of the Senate, from the year 1798 till 1825, when a law was passed, and the name of the keeper was incorporated in it. This act was approved by Gov. Desha. This individual named in this last act continued in office until the year 1834, when another act was passed, by the third section of which, it was provided that 'a keeper or keepers, and agent or agents, shall be elected by a joint vote of the Legislature,' 'and to continue *in office* as such until the 1st of March, 1839;' and his *compensation* for his services and liabilities in the management of the institution was fixed at 'one *equal moiety* of the net profits thereof, after defraying all the expenses'—See 2 vol. Statutes, page 1315. This act was approved by acting Governor Morehead.

"The next law upon the subject of keeper was passed in 1834—(See 3 vol. Statutes, page 484,) in the 2d section of which it was provided, that twenty-five thousand dollars in raw materials, stock, &c., belonging to the State, should be loaned to the keeper at six per cent. interest per *annum*, 'for and during the time he may be *in office*;' and that the keeper should be elected *at that session* 'by a joint vote of the Legislature,' who should 'continue *in office* until the 1st of March, 1844.' By the sixth section of this act, it is provided, 'that all machinery' erected by the keeper, should, 'at the expiration of the time' he should 'continue *in office*, be the sole property of the State.' His *compensation* is provided for in the 8th section of the same act, and in the following section he is required to take an oath and execute a bond before he should 'enter upon the discharge of the duties of *the office*.' The 12th section provides, in a certain event, for the appointment of a keeper, by the Governor, and when *his office* shall terminate. The 13th section provides for the appointment, by the Governor, by

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and with the advice and consent of the Senate, of a clerk, 'to continue in office two years,' and give bond for the faithful discharge 'of the duties of his office, as clerk.' The 14th and 16th sections again speak of *the office* of clerk, and the 18th *the office* of keeper. This act was approved by Gov. Clark. That on the 24th of February, 1843, a resolution was approved by the Governor, providing on the following day for the election of 'a keeper or keeper of the penitentiary,' on which day an election was held by a joint vote of the two Houses, and Craig & Henry were elected. (See Session Acts of 1843, page 283.)

"On the 8th of March, 1843, another act was approved by the Governor, which is almost a literal transcript of the one passed in 1839, except it provides that the *compensation* of the keeper or keepers should be one third of the net profits. This act was not enrolled and signed by the presiding officers of the two Houses until March 2, 1843. (See Session Acts of 1843, page 38.)

"It thus appears that the act of 1839 only provided for the election of keeper of the penitentiary to serve until the 1st of March, 1844, and no other provision was made, by law, for the election or appointment of a keeper until the 8th of March, 1843. The resolution approved on the 24th of February, 1843, did not have any force, as to the office of keeper, inasmuch as it was not a law, nor could an election under that resolution have any effect without some law to authorize it.

"By the resolution referred to your committee, it would appear that this House designed the committee to report their opinion as to the legality or constitutionality of the keeper of the penitentiary being elected by the Legislature. This task was not a pleasant one, but one from which the undersigned will not shrink. The advanced stage of the present session, and the press of business before the committee and the House, and the necessity of constant attendance in the House during its sessions, by the members of the committee, necessarily preclude an examination into the constitutional question as thorough and satisfactory as could be desired. It will be remembered, that until 1825, the keeper of the penitentiary was appointed by the Governor, by and with the advice and consent of the Senate. In the latter year, there was a reorganization of the laws relative to the institution, and the *name* of the keeper was, that year, incorporated in the law. In 1834, for the first time, a law was passed, providing, amongst other things, for the election, by joint vote of the Legislature, of a keeper until the 1st of March, 1839; and under this law the keeper was elected. In February, 1839, so far as the appointment of this officer was concerned, a similar law passed for the election, by the Legislature, of a keeper to serve until the 1st of March, 1844, but no provision for the election of this officer to serve after that date. It will also be perceived that, from 1825 to this time, the keeper has been a partner with the State in the profits of the penitentiary.

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“The power of the Governor in appointments to office are defined by the 9th section of the 3d article of the constitution of Kentucky.

“‘He shall nominate, and by and with the advice and consent of the Senate, appoint all officers, whose offices are established by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for.’

“The officers of State Treasurer and Public Printer are excepted in the constitution, and the other offices otherwise provided for, and all county officers who are to be appointed by courts.

“As the Governor, then, has the appointment of *all* other officers, the inquiry arises, whether the keeper of the penitentiary is an officer? An office is an incorporeal hereditament, and may be defined to be a duty and a charge or place of trust of such duty; that one who exercises power or authority over another's affairs against his will, and without his leave, is an officer, and such power or authority is an office. Every man is a public officer who has any duty concerning the public—it is the duty of his office, and the nature of that duty which makes him a public officer, and not the extent of his authority. (See Bacon's Abridgment, title Offices.) A prisoner is put under the keeper's charge, to be kept at labor for a given time by the judgment of a court—he has to carry into effect that judgment, and has no discretion to limit its operation. The law provides that he shall administer corporeal punishment to prisoners in a certain event. He has to obey the law, in doing which he executes an office, which none can do but an officer.

“But another question may also arise, whether the exercise of the power by the Legislature of electing the keeper of the penitentiary since 1834, or perhaps since 1825, should not put at rest the propriety of now calling in question the constitutionality of such an election, if made under an act passed by the constituted authorities.

“In the case of *McCullough against the State of Maryland*, 4 Wheaton's Reports, 316, the Supreme Court of the United States, in discussing the constitutionality of the Bank of the United States, say: ‘That this can scarcely be considered as an open question, entirely unprejudiced by the former proceedings of the nation respecting it. The principle now contested was introduced at a very early period of our history, has been recognized by many successive Legislatures, and has been acted upon by the judicial department, in cases of peculiar delicacy, as a law of undoubted obligation.’

“‘It will not be denied that a bold and daring usurpation might be resisted, after an acquiescence still longer and more complete than this. But it is conceived that a doubtful question, one on which human reason may pause, and the human judgment be suspended, in the decisions of which the great principles of liberty are not concerned, but the respective

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powers of those who are equally the representatives of the people, are to be adjusted, if not put at rest by the practice of the Government, ought to receive a considerable impression from that practice. An exposition of the constitution, deliberately established by legislative acts, on the faith of which an immense property has been advanced, ought not to be lightly disregarded.

“ ‘The power now contested was exercised by the first Congress elected under the present constitution. The bill for incorporating the Bank of the United States did not steal upon an unsuspecting Legislature, and pass unobserved. Its principle was completely understood, and was opposed with equal zeal and ability, after being resisted, first in the fair and open field of debate, and afterwards in the Executive Cabinet, with as much persevering talent as any measure has ever experienced, and being supported by arguments which convinced minds as pure and as intelligent as this country can boast, it became a law; the original act was permitted to expire; but a short experience of the embarrassments to which the refusal to revive it exposed the Government, convinced those who were most prejudiced against the measure, of its necessity, and induced the passage of the present law. It would require no ordinary share of intrepidity to assert, that a measure, adopted under these circumstances, was a bold and plain usurpation, to which the constitution gave no countenance.

“ ‘Those observations belong to the cause; but they are not made under the impression, that, were the question entirely new, the law would be found irreconcilable with the constitution.’

“ ‘This decision has been referred to because it has been said that it tends strongly to prove that legislative authority or power, whether rightfully and constitutionally exercised or not, if acquiesced in for a long time, should not be disturbed by the judicial department of the Government: we would deny the position if it were applicable to the case now under consideration. The court goes no farther than to say that such long acquiescence under legislative authority ought ‘to receive a *considerable impression* from that practice,’ and ‘ought not to be *lightly* disregarded.’ That case presented the question when the authority was claimed and exercised coeval with the constitution and the law, supported by many of the framers of the constitution itself; that it had been subsequently re-enacted, and had been recognized by the judicial department as effective and operative.

“ ‘The reasons given in that case do not exist in the one now under consideration; nor should that decision be looked upon as having any bearing upon the present question, and consequently the acts of the Legislature of Kentucky, in electing the keeper of the penitentiary, can receive no aid from that opinion. Testing the case under consideration by the foregoing principles, it seems:

“ 1. That the keeper of the penitentiary is an office within the meaning of the constitution, and, consequently, the Legislature had no authority to

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elect him, but he should have been appointed by the Executive, by and with the advice and consent of the Senate.

"2. That whether the Legislature, by joint vote, had or not the right to elect the keeper. In the present case there was no law for such an election at the time it was had, and consequently there is no keeper of the penitentiary to take the superintendence and management thereof after the 1st of March next.

"The committee were directed by said resolution to inquire into one other question, and that is, if the appointment or election of Craig & Henry was unconstitutional, or otherwise, without the authority of law, would their securities in the bond, required of the keeper of the penitentiary, be bound to the Commonwealth for the faithful discharge of the keepers' duties and responsibilities? We answer that the securities would be responsible. They would be estopped to deny the fact that Craig & Henry being keepers, because that fact is admitted in the bond. The following principles have been settled by the Court of Appeals of Kentucky.

"When the condition of a bond recites a particular fact, or has reference to a particular thing, the obligor shall be estopped to say that there is no such thing. (3 Marshall, 303, Jones, &c., vs. Prewitt, &c.) The defendants in a suit on a prison bounds bond are estopped to say that the person to whom it was given was not jailer. (2 Littell, 211.)

"A party who has executed a note, will be estopped to deny the existence of the payee. (1 J. J. Marshall, 380.) A party executing a supersedeas bond cannot plead there was no supersedeas, although it may be tried; he is estopped by his bond. (2 J. J. Marshall, 280.) One who executes an injunction bond is not permitted to say there was no injunction obtained—the doctrine of estoppel applies, and the statement in the bond that there was an injunction will bind him, whether true or not, unless obtained by fraud. (1 Littell, 418.) Many other authorities might be referred to, but it is deemed unnecessary.

"The undersigned would also call the attention of the House to make inquiry, if all the foregoing obstacles to the legality of the election of Craig & Henry should be overcome or overruled, what portion of the profits of the penitentiary would these keepers be entitled to—one half or one third?

"R. APPERSON,

"S. A. YOUNG."

February 24, 1844. Mr. Hobbs, from the Committee on the Penitentiary, made the following report, viz:

"The Committee on the Penitentiary, having examined that institution and had its condition and affairs under consideration, beg leave to submit the following report, viz:

"It appears from former reports made to the Legislature, that the keeper of the penitentiary has paid over to the State all the profits coming to her,

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except those of the last year. The amount of the earnings of the last year cannot be ascertained until the valuers, who by law are to be appointed by the commissioners of the sinking fund, make their report of the value of raw materials, stock, manufactures, &c., &c. The keeper estimates the amount of the profits of the last year at about twenty thousand dollars, one half of which sum will be payable to the State; and he made such exhibits of means and assets as convinced the committee of his readiness and ability to pay over to the State whatever may be due her on a settlement, according to law.

“The financial affairs of the penitentiary, so far as the State is interested therein, are, by law, confided to the superintendency of the commissioners of the sinking fund. It is their duty to settle with the keeper and receive from him whatever may be due to the State. The Governor, who is chairman of the commissioners of the sinking fund, in his late annual message, gave the Legislature the confident assurance that the keeper would be ready to settle and pay over to the State her share of the profits of the institution; and the keeper, in his late annual report to the General Assembly, announced his readiness to settle according to law, promptly, on the first day of March, when his term of office expires. Having no reasons to doubt the assurances of the Governor and the keeper, and not thinking it expedient to take up the time of the committee and the Legislature with the investigation of affairs confided by law to the commissioners of the sinking fund, the committee did not deem it an incumbent duty to inquire more minutely into the fiscal concerns of the institution.

“In the investigation of other affairs of the penitentiary, the committee came to the conclusion that it is important to the interests of the State, as connected with its prosperity and safety, that the State should own a keeper's house and more ground adjacent to the prison, whereon to build a warehouse, in which to store the manufactures, &c. The ground inclosed within the walls is now too small to admit a further extension of the bagging and rope business, which is the largest branch, and should, in the opinion of the committee, be almost the sole business conducted in the penitentiary. It is a safe and profitable business, and its products do not, like those of other branches, come in competition with the industry of the mechanics of the country. Should the State authorize the erection of a warehouse near the office, which may be done by the labor of the prisoners themselves, the manufacture of rope and bagging may be so extended as to employ the labor of nearly all the prisoners, and those other branches, which conflict with the interests of honest industry, may then be conveniently and prudently suspended. There is a feeling of repugnance to the employment of convicts in branches of industry conflicting with the interests of honest citizens, which the Legislature should respect. The complaints in the community against that disposal of the labor of the inmates of the penitentiary, which brings its productions into rivalry

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with those of the virtuous mechanics of the country, are daily becoming more loud and frequent; and the grounds of these complaints, so far as may be done compatibly with the public interests, should be removed by seasonable legislation. And in this connexion, it is fortunate for the interests of the State, that she is so circumstanced that she can conduct a branch of industry in the penitentiary, which, without conflicting with the rights and interests of the worthy mechanics of the State, will not only prevent that institution, like so many similar ones, from becoming a serious burthen on the treasury, but produce a handsome annual income to the State. The business of manufacturing bagging and rope is the only one which can be carried on profitably without injury to the mechanics of the State, it being conducted in private factories solely by the aid of slave labor.

“But no matter whether the Legislature be disposed to provide for the enlargement of the space in the prison, with a view to increasing the bagging and rope business, the building of a warehouse outside of the walls is deemed necessary upon other cogent reasons. The greatest danger to which the establishment is exposed, is that of fire; and this is a danger which it is immediately and necessarily exposed daily, should the workshops generally get a-fire. And to say nothing of the danger of such a contingency by casualty, frequent attempts are made by the prisoners to fire them. No human efforts could extinguish the flames, for no human being could, in such a catastrophe, remain within the walls. The workshops, filled with vast quantities of the most combustible and inflammable materials, run round three of the four sides of the square; and the interior space is so small that no efforts from that quarter could be made available in the extinguishing of the flames; for that area would, in such case, be as fatal to life as a glowing furnace. Nor could any efforts from without avail to subdue a conflagration unless the walls were first torn down. The inevitable result would be the destruction of the buildings, materials, manufactures, &c., &c., comprising the entire active avails of the institution. The pecuniary distress from such a disaster, though it would scarce be less than the sum of one hundred thousand dollars, would not be its gravest calamity. The lives of many prisoners and others would be greatly endangered, if not actually destroyed. Many of the prisoners, in the confusion of the conflagration, and the insecurity of the prison, under such a direful calamity, would inevitably make their escape; and the great difficulty, if not utter inability of preserving subordination, when the buildings were consumed, would add to the frightfulness of the disaster. The dangers of fire have hitherto been encountered, and fortunately been avoided. Many attempts, however, have been made to burn down the buildings, and they will doubtless be repeated. Should these persevering efforts of the remorseless felons at length prove disastrously effectual, the

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damage, actual and consequential, could not be repaired by an expenditure much short of two hundred thousand dollars.

“If a warehouse were built outside the walls, (which it is supposed would not cost more than \$1,700,) the frightful danger of loss of lives and property from fires would be greatly diminished; and the extension of the hemp business would be another valuable advantage gained by it.

“The interests of the State, connected with the penitentiary, require not only the erection of a warehouse convenient to the office, through which access is gained to the work-shops, but that she should own a house for the residence for the keepers. It is not right that the keepers of the penitentiary should be compelled to live at an inconvenient distance from the prison. The present keeper, whose term of office expires on the first of March next, owns a house and grounds very convenient and suitable for the residence of the keepers, and on which a warehouse could be built with a convenient location. He found himself compelled, by considerations of personal convenience, as well as guarding the interests of the State, to buy the house and grounds referred to; and no keepers can conveniently and profitably conduct the institution who are not in the possession of this or some other suitably located property. These are cogent and urgent considerations in favor of the purchase of this property, or some other suitably located. The new keepers ought to be put in possession of the property, which may be purchased, to enable them to do full justice to themselves and the State, in the discharge of their responsible and important duties. The present keeper, the committee learn, is willing to sell his property to the State, upon just and equitable terms, at a valuation to be assessed by honest and disinterested property-holders of the city of Frankfort, and will take manufactured articles belonging to the penitentiary in payment. Should the Legislature authorize the purchase of this or any other property, provision should be made, to the effect, that the new keepers should preserve it in good repair, and that they should individually pay to the State six per centum per annum on its cost, (that is, on the cost of the dwelling-house and appurtenances,) in the nature of rent. Every other State, it is believed, furnishes a dwelling-house for its penitentiary keeper, and it should be done in Kentucky, upon every consideration of convenience and interest.

“The committee would further recommend and suggest, both for the convenience of the prison and the comfort of the citizens of Frankfort, the great importance of constructing a covered sewer from the prison to the river, as a conveyance of all filth accumulating therein, as they understand the good citizens of this city are greatly annoyed in consequence of the want of an outlet of this sort.

“The committee would further report, that since writing the above, they understand that the prisoners of the penitentiary are frequently permitted to work out in the city, and do work in the various branches of

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labor and business, in direct contact and competition with the honest labor of the neighborhood. The committee deem this practice highly improper, and earnestly recommend that it should be suppressed, except for the penitentiary or the Commonwealth.

EDW. D. HOBBS, *Ch. Com. Pen'ty.*

The last term for which Mr. Theobald was elected keeper having expired, he resigned the care of the institution to his successors, and retired to private life.

The management of the affairs of the institution during his two terms, especially the financial, may be regarded as the most successful of any in its history. Of his treatment to the inmates, and his efforts to advance their moral and religious interests, we have now no means of knowing through any public documents. The law under which he held during his two terms required the board of inspectors to examine into such matters, and make annual reports to the Legislature touching the same. No such reports were ever made by the inspectors, and we are left to secure such verbal information as can now be had, and to rely upon what is said in the annual reports of the keeper for information upon this subject. From a general knowledge of the officers who served under Mr. Theobald, while acting as keeper, and from what we know of them personally, we are disposed to accord to them a good degree of humanity, and as much interest in the welfare of the inmates as their conditions required. Abuses may have been practiced during his term; but we are not willing to believe that they were either encouraged or countenanced by him or his assistants.

The high degree of prosperity attained in the finances of the institution while under the management of Mr. Theobald, made it an object of interest to other business men of the State, hence the competition for the office at the late election, and the defeat of Mr. T. by his successors, who were willing to take the same under a contract seemingly more advantageous to the State. It will be seen in the future how far the change proved beneficial to the interests of the State, or the welfare of the inmates.

The documents show in what manner the State's portion of the profits of the institution were applied during the two terms of Mr. T's agency; and they will show, also, every other fact of interest relating to its management. It will be perceived, in what follows, the difficulties attending a final settlement of the accounts between the State and Mr. T., and how the final adjustment of the whole matter was made.

According to the best information now to be had, a final settlement between the commissioners of the sinking fund and Mr. T. was postponed on account of difficulties growing out of the valuation, by the commissioners of the sinking fund, of the raw materials and manufactured articles left in the institution at the expiration of his term, and which, according to an act of the Legislature, were to be handed over to his successor or

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successors. This will more fully appear in the next chapter, and only need be referred to here. In order to obtain a final settlement, the Legislature, on the 10th February, 1845, passed and approved an act with the following provisions: "That the general court shall have jurisdiction, upon a bill filed by the Attorney General on behalf of the State, to hear and determine upon all matters in controversy between Tho. S. Theobald, late keeper of the penitentiary, and the State, respecting the accounts and operations of the penitentiary during the term or terms for which said Theobald was keeper as aforesaid; and in regard to said matters in controversy, said court shall have power to make such order and decree as shall be consistent with the principles of law and equity; and said court shall have power to make such orders and regulations as to filing pleadings and papers in said suit, either in court, or during vacancy, as shall be deemed essential to its speedy determination." In accordance with the provisions of the above recited act, O. G. Cates, Attorney General for the State, instituted two suits against Mr. Theobald, in the general court held in Frankfort, for a final settlement of all the accounts existing between the Commonwealth and Mr. Theobald during his two terms of agent and keeper of the penitentiary. In these suits the Attorney General so framed his bills as to charge Theobald with a failure on his part to comply with every provision required of him by the general laws under which he had charge of the institution, so as to throw the *onus* upon him. Every issue which could arise under the laws under which said Theobald was appointed keeper for both terms, was made by the pleadings. He consulted the commissioners of the sinking fund, both in the preparation of the pleadings and in the prosecution of the suits, and they advised him on both. He prosecuted the suits with industry, energy, and vigor. He took a large number of depositions both in Frankfort and in Louisville. He charged Theobald with fraud in the valuation of Apperson and Bullock—with fraud, concealment, and deception in all his transactions as keeper; and every question was made which could arise in respect to the validity of the valuation of Apperson and Bullock, and the action of the commissioners of the sinking fund in having the property, tools, &c., valued, and in receiving the same and handing it over to the successors of Theobald.

The object of the suit was to effect a full and complete settlement of all the transactions, actings, doings, and accounts, and every matter and thing in which the Commonwealth and Theobald jointly or separately had any interest growing out of the business and operations of the partnership in the penitentiary for both terms for which he acted as keeper; and the pleadings were made sufficiently comprehensive to embrace all. (See Cates' testimony in suit against commissioners sinking fund.)

Before the cases were tried, Mr. Cates resigned the office of Attorney General, and thenceforth the suits were managed by his successor.

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The final result of this suit was a statement on the part of the Auditor, appointed by the court to adjust all the matters at issue between the parties, that the Commonwealth was indebted to Mr. Theobald in the sum of \$1,635 89, or, in other words, he had overpaid the State, or her agents, the commissioners of the sinking fund, the above named sum.

The Attorney General took the case up to the appellate court, where the opinion of the general court was sustained, and the appellate court decided that there was no fraud on the part of Theobald in any of the transactions. (See 11 Ben. Monroe.)

At the next and succeeding sessions of the Legislature, the claim of Mr. T. was presented to that body for an appropriation to meet the sum awarded him by the court, but the Legislature refused to grant the amount, and thus the matter remained from year to year until 1857-8, when an act was passed providing for the payment of the whole sum, with interest from 1st March, 1844.

It is proper to state here, that after repeated failures on the part of Mr. T. to obtain an appropriation by the Legislature to satisfy his claim, his attorney, G. W. Craddock, conceived the idea that the amount could be made by suit against the commissioners of the sinking fund, and he accordingly brought suit for the amount claimed, and obtained a judgment to that effect in the chancery court. The case was taken to the court of appeals, where it was reversed, upon the ground that the commissioners of the sinking fund, although regularly incorporated, were the mere fiscal agents of the State, and were not liable to suit, and the matter remained at rest until the action of the Legislature in 1857-8, above stated. (See 14 Ben. Monroe.)

In the next chapter several documents will be found relating to the valuation and settlement between the commissioners of the sinking fund and Mr. T., which will explain the cause of the delay in the Legislature to provide for the payment of the amount claimed by him of the State, as awarded in the final conclusion of the suit brought by the Attorney General.

Whatever relates to the early history of a locality or people, illustrating the manners, the civil or religious policy thereof, is undoubtedly worthy of preservation. The records of deeds and events, apparently of slight moment at the time of their occurrence, increase in importance as ages roll away, and are the indices by which we estimate the truth of history. It is therefore needless to offer an apology for introducing into this report sketches of the lives of men, and the stirring events in which they took such active parts in the early history of our country. The history of these events can now be had from the living actors in them; but the tooth of time will soon destroy them, or they will lapse into tales and traditions. The following sketch, though somewhat more lengthy than orig-

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inally intended in the plan of this report, is introduced with great pleasure as a just tribute to a distinguished son of Kentucky, whose public acts have added to the prosperity and reputation of our State:

Thomas S. Theobald, who succeeded Joel Scott as keeper of the Kentucky penitentiary, was born in Bourbon county, Kentucky, on the 17th April, 1792. When he was about five years of age his parents removed to Georgetown, Scott county, Kentucky, where he resided until 1807, when he engaged as clerk in a dry goods store in Frankfort, Kentucky, until 1811, at which date he received from the U. S. Government a commission as 1st lieutenant of Kentucky Rangers, to operate against the Indians on the northwestern frontier. After recruiting a company of men, he proceeded to his post, under command of Captain Robert Moderel, an old and distinguished Indian fighter. Remaining in the service for twelve months, the time for which his men were enlisted, Mr. Theobald returned to Kentucky, and resigned his commission to consummate a marriage engagement made before entering the army. Accordingly, on the 22d July, 1813, he was married in Scott county, Kentucky, to Miss Sarah W. Keene, a daughter of Dr. Samuel Y. Keene, a surgeon in the revolutionary war. From this time until the year 1834, (when he was elected keeper of the penitentiary,) Mr. Theobald engaged in various pursuits, as well as in discharge of the duties of positions of honor and trust from the government. Several times appointed postmaster at Georgetown, Kentucky, and other places where he resided; collector of U. S. revenue and the special tax to pay the war debt, and for many years sheriff of Scott county, all of which positions he filled to the satisfaction of those under whom he held office, and retired from the duties of each trust with honor and reputation for business capacity and integrity. The most important event of his business life was his election as keeper of the Kentucky penitentiary in 1834, for a term of five years, and his re-election in 1839, for a like term. The institution, during his administration of ten years was eminently prosperous. He found the buildings and appurtenances about the prison so aged and dilapidated, as to require an entire reconstruction, which was done by Mr. Theobald, under authority of an act of the Legislature to that effect. The reports of the penitentiary for the period of his term will show that the profits of the institution were over \$200,000, the State receiving every dollar of her share of the said profits. Although a large portion of these profits was expended upon improvements on and about the prison and other public property, yet the records will substantiate the fact, that Mr. Theobald paid into the State treasury a larger sum in *actual cash*, than any other keeper, before or since. On the expiration of his second term, Mr. Theobald purchased the old and well known "Weisiger House," in Frankfort, Kentucky, which he kept successfully until 1852, when he sold the same to the city of Frankfort, who erected on the ground the elegant building known as the "Capitol Hotel." About the time he retired from the charge of the penitentiary, Mr. T. met with a serious reverse of fortune, in the loss of a costly cotton plantation on the Mississippi river, which had been selected in an unfortunate location, so that the river overflowed and rendered worthless the entire place, resulting in loss to a very large amount. Since 1852 Mr. T. engaged in the business of a cotton factor and commission merchant in New Orleans, but for two seasons only, owing to circumstances beyond his control, and in no wise attributable to indiscretion or want of business capacity on his part, which compelled him to abandon the enterprise. He is now residing in Frankfort, Kentucky, having reached the age of sixty-eight years, with an excellently preserved constitution, and in the enjoyment of good health. Having devoted fifty-two years of his life to the active and unremitting pursuit of the means of happiness, he has enjoyed the pleasures of prosperity, and tasted the bitterness of adversity, yet he still has the ambition and energy to engage in the active affairs of life, and should his health be continued, as at present, the day is not far distant when he may again appear in the business world where he once acted so conspicuous a part.

Allusion having been made to the military services of Capt. Theobald, (by which title he was most generally designated,) in the foregoing sketch, a more extended notice of his military career will not be out of place here. Indeed every thing relating to the campaigns of the war of 1812 has now become matter of historic interest. Of that great host of volunteers who left Kentucky for the army of the northwest, but few now survive. Many fell on the field of battle, many perished through suffering, privation, and disease, and time, the great "tomb-builder," has thinned those gallant ranks, until but few now survive, and that few, the old men of the country. The personal incidents of that eventful period now live only in the fireside traditions of those whose fathers fought in the great wars, save only that here and there we can find a living actor from whose lips we can gather eventful histories.

After the surrender of General Hull, the Kentucky volunteers were hurried to the northwest, towards the Canada frontier, to retrieve the disasters of that shameful deed. While this expedition was on its march, Gov. Shelby issued his proclamation for troops to protect Indiana and Illinois, where the depredations of the Indians had become exceedingly annoying. These troops were to meet at Louisville, on the 18th September, with at least thirty days' provisions, and were to be under the command of General Samuel Hopkins, a revolutionary officer of distinction. More than two thousand men responded to the proclamation, and assembling at Louisville, Red

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Banks, and other places on the Ohio river, took up the line of March for Vincennes. At that point they were formed into four regiments, under command of Cols. Samuel Caldwell, John Thomas, James Allen, and young Ewing, to which was added another regiment under Col. Samuel South. This body of troops was composed of the first young men of Kentucky, which will readily be admitted when we enumerate such names as Joseph C. Breckinridge, Solomon P. Sharp, John J. Crittenden, Robert P. Letcher, and others alike distinguished for talents, as among the volunteers in Hopkins' campaign. It was the misfortune of the army that the gallant veteran in command was greatly enfeebled by age, and worn down by sickness, and thus physically unable to discharge the duties of what was intended to have been a short, active, and energetic movement. To this difficulty there was superadded an entire ignorance of the country where the operations were to be carried on, so much so that the General himself had to undertake at one time the office of *guide* for his troops. Early in October this corps was marched to Fort Harrison, where, after drawing ten days' provisions and crossing the Wabash river, the object of the expedition was announced to be the taking of the Kickapoo village on the Illinois river, supposed to be eighty miles distant. The first expedition moved upon the Peoria villages, returned to Vincennes, and there fitted out the expedition for Tippecanoe, the Prophet's town. Of course, moving through an unknown and hostile country without reliable guides, suitable men must be sought for to scour the prairies—keep in advance of the volunteers, and to gain necessary information, and report to headquarters. This was indeed a most dangerous and responsible service, involving, as it did, to a considerable extent, the safety of the whole command; and it was upon this service, as an officer of the Rangers, that Captain Theobald was detailed. About the time that the army was approaching Tippecanoe, the subject of sending out the Rangers to scour the country between the Wabash and Ponce Passu, a creek some seven or eight miles distant, and where it was probable an Indian force might be found, was discussed, but action upon it was postponed until the succeeding day, by which time the army had formed a camp and thrown up some rude breastworks.

It was then determined that Captain Theobald, with twelve or fifteen men, should perform this duty. He accordingly left camp early in the day, and after progressing some fifteen miles, he came upon a trail of Indians, manifestly of considerable force, coming down the creek, and between him and our army, but evidently tending in that direction. Capt. T. determined, upon reflection, to follow this trail wherever it might lead, with a view to ascertain the number of Indians, and what was their probable intention. Following this trail for six or seven miles, he came to a very high bluff overlooking Ponce Passu, and in the valley, in full view, was an army of some fifteen hundred Indians, preparing to pitch their camp for the night. This bluff was intersected by two deep ravines running at right angles to the creek. While his men were silently and secretly observing the movements of the Indians, they observed two or three Indians leading out some horses which they left to browse on the bushes not very far from where they themselves were concealed. After reconnoitering until they had made themselves fully masters of the position and force of the enemy, it occurred to the Captain that it would be a good thing for him to take those horses to camp, as they would be good vouchers for the truth of his report. This enterprise was one of great hazard and danger, and the Captain himself, with another of his men, executed it themselves, and the whole troop made good their retreat to camp. Upon their arrival they immediately reported to headquarters, and, of course, their report excited great commotion in the camp; and the whole army was kept awake that night, expecting an attack to be made before daylight, according to the Indian mode of warfare; but the Indians did not approach. On the next morning, the General, desiring still further information, requested to know if Capt. Theobald would undertake another reconnoissance. The Captain, although he had not slept any the previous night, reported himself ready for orders and immediate movement. His mode of proceeding on this second scout was suggested by Col. Richard Taylor, an old Indian fighter, who had been wounded in St. Clair's defeat, and being lamed, was ever after known as "hopping Dick," to distinguish him from other gallant relatives of the same name. By his advice, Capt. Theobald determined to take with him a very few men, only three—a private soldier named Dunn, who was a sprightly intelligent young lawyer—a Frenchman named Laponte, and Dr. Gist. With this little band, and on this dangerous duty, he left the camp and proceeded to the Indian encampment. Arriving there a little too early in the evening, he determined to halt and keep concealed until a later hour of the day. While in this position his attention was arrested by observing a body of horsemen, some twenty in number, approaching directly his own ambush. At first he thought it was probably a party of Rangers, whom he knew to be out; but the Frenchman getting a better view, exclaimed, "*Indians too much!*" and laying whip to his horse was soon safe from pursuit. Capt. Theobald finding retreat extremely necessary, gave orders to that effect, and on looking around saw Dunn on foot, with gun in hand. Dunn fired, and his fire was immediately returned from a number of Indian guns, and Dunn fell to rise no more. It was then a race for life with Capt. Theobald and Dr. Gist. The distance to Camp was seven miles, with a heavy swamp intervening. Capt. T. was mounted on a fleet and powerful horse, while Dr. Gist rode an inferior animal. When they entered the swamp, the Doctor's horse stuck fast in the mud, and he called to Capt. T. to save himself, but Capt. T. told him not to give up, that his (T.'s) horse was strong enough to carry both. At that

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moment a loud war-whoop from the closely pursuing Indians seemed to inspire Dr. Gist's horse with renewed strength, and by one vigorous effort, extricated himself from the mire. The chase continued, when until about the middle of the swamp, Dr. Gist leaped from his horse, ran along a fallen tree, and secreted himself. In the haste of the pursuit, the Indians passed Dr. G. and kept in close halloo of Capt. Theobald, following to the very verge of the encampment. On their return, the Indians themselves were in a hurry, and did not stop to look for Dr. G., who arrived safely in camp during the night.

From the report of this second adventure, the army was again in expectation of a night attack; but none occurring, another council of war was held, and General Hopkins thought it advisable that he should receive still further information before advancing. With this view, he again signified that the services of Captain Theobald, rendered still more important by the knowledge of the country already acquired by him, would be highly acceptable, and Captain T. once more reported himself for orders, and to march any where that the General might wish. On this occasion Captain Theobald again consulted his old friend, Col. Taylor, who advised him to take as many of his men as had horses fit for service, which he determined to do. Of his own company he paraded thirty-two men, and while in the act of setting out, he was first approached by Col. Miller, and then by Col. Wilcox, with a request that they might accompany him, as the expedition promised some excitement and fun, as those old warriors termed it. To this he assented, and they each brought with them a few of their own troops, making the combined force amount to sixty men.

After getting well clear of the camp, it was determined to divide this little force into three files—the right commanded by Col. Miller, the center by Capt. Theobald, and the left by Col. Wilcox. They were to march about two hundred yards apart, keeping abreast as well as possible, and each file being ready to support either of the others that might be attacked. While marching in this order, and nearing the Indian encampment, Col. Miller discovered an Indian, and gave chase, expecting to capture him. But the Indian ran like a deer, and yelling as he ran, thus communicated the tidings of the approach to the Indian army. Captain Theobald, seeing this rapid movement of Col. Miller, inclined his own file in a converging line to support Miller, and the two files met on the brow of the bluff, at the head of and between two ravines.

The Indians, in the meantime, had run up these ravines, and from under this cover poured in a deadly fire, which unhorsed many and killed eleven men at the first fire of their guns. Among the number slain was Sublett, of Woodford county, Ky.

Col. Wilcox, in the meantime, pressing on to take part in the action, reached the bluff below the ravines, and was fired upon, losing many of his men—his Lieutenant, Little, being shot through the body. It soon became manifest that this small company of volunteers could not stand against fifteen hundred Indians, and retreat became necessary and unavoidable.

Capt. Theobald, who, at the commencement of the action, had ordered his men to "*light and fight*," after losing eleven out of thirty-two men, and being left alone upon the field, had occasion to countermand that order, and what was left of the command was soon involved in a disorderly retreat. He attempted, by riding in front and waving his sword in the faces of the men, to make a rally at about a mile from the battle-ground, and was about succeeding, when a Frenchman, whose eyebrows were shot off, came riding by with his bloody face, shouting, "*Retreat, boys! retreat, or not one of you will get to camp to tell the news!*" and the men took him at his word.

One or two incidents, personal to Captain Theobald, are all that we can now refer to in this necessarily brief sketch. When he gave the order to dismount and fire, a private, named Dubois, standing immediately beside him, was in the act of firing at an Indian, when his own gun was struck by a ball and broken, and immediately after was wounded by an Indian shot. He exclaimed, "Captain, I am wounded!" "Where are you wounded, Dubois?" said Capt. T. "In the thigh," was the reply. "Well," said Capt. Theobald, "if you can get on your horse, mount, and I will see you safe." He mounted, and was saved. At the same moment another of Captain Theobald's men was shot dead by his side. Lieut. Little, who reported himself shot through the body, told Capt. T. that he must die. "Not so," said Capt. T. "Keep with me, and if you get too faint to ride I will protect you." He was brought off the field by Capt. T., and subsequently recovered of his wounds. These were gallant deeds, and were performed by a young Kentucky volunteer.

After this third expedition to inspect the Indians, and the loss of these men, it was thought advisable that the army should go in search of the enemy. After some delay, and a heavy fall of snow intervening, the army went to the Indian camp-ground, found it deserted, thought the weather too inclement for further military operations, and returned home.



A Craig

1844 to 1855—Craig & Henry, Keepers

CHAPTER VI.

1844 TO 1855—CRAIG & HENRY, KEEPERS.

By reference to the legislative proceedings, on page 288 of this report, it will be seen that Craig & Henry were elected keepers of the Kentucky penitentiary for five years, commencing on the 1st day of March, 1844, and ending on the 1st day of March, 1849. The individuals composing this firm were Col. William Henry, of Christian county, and Capt. Newton Craig, of Scott county, Kentucky.

The law under which they were elected, and under which they took charge of the institution, is almost an exact transcript of the law of 1839, under which Mr. Theobald held his second term. No keeper had ever taken charge of the institution under more favorable prospects of success; but these prospects were destined to meet with reverses, such as had never before happened in the history of the institution. The history of these reverses, and the calamities which befell the institution, and the trials and difficulties under which the keepers had to struggle, will all be fully explained by the documents composing this chapter.

The first section of the act of February, 1843, providing for the election of keeper, &c., to the penitentiary, also provided for a settlement with the late keeper. This section of that act provided that the commissioners of the sinking fund should appoint two disinterested persons to value the raw materials, stock, and manufactured articles on hand, at a fair cash valuation, and make return of the same to the said commissioners; and they were also to make a complete inventory of the tools and implements of trade in the penitentiary, and affix a value to each article, and in general, to provide for a final arrangement with the late and present keepers. The commissioners of the sinking fund held a meeting on the 30th January, 1844, and made the following order:

“That Richard Apperson and James M. Bullock, be, and they are hereby, appointed to settle with the present keeper of the penitentiary, in pursuance to the first section of the act of March 8th, 1843, entitled ‘An act to provide for a final settlement with the present keeper of the penitentiary, the election of another keeper, and for other purposes.’”

The said commissioners took the necessary oath of qualification before H. Wingate, a justice of the peace, as prescribed in the law, which oath is dated March 1st, 1844, and then proceeded to the valuation of all the articles, &c., mentioned in the first section of said law.

On receiving the institution, the newly elected keepers gave receipts to

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the commissioners of the sinking fund for the articles which were to be delivered over to them, as follows.

It is proper here to state that the commissioners of the sinking fund made it a precedent condition to their receiving the institution that they should sign the receipts for the articles, which they did, but with a protest to each.

Receipt of Craig & Henry for manufactured articles and raw materials.

"We have this day received from the commissioners of the sinking fund, stock, materials, and manufactured articles, as per schedule made this day by R. Apperson and James M. Bullock, as appears from the preceding nineteen pages, to the amount of thirty-five thousand nine hundred and four dollars and eight cents, being the entire stock of those articles in the penitentiary; but five thousand four hundred and fifty-two dollars eight cents, in value thereof, are to be set apart by the said Apperson and Bullock as one half of the excess over \$25,000, (twenty-five thousand dollars,) for which we are to have a credit on this receipt, and to be in no wise responsible.

"March 1, 1844.

"This receipt signed by us, with the protest hereto annexed.

"NEWTON CRAIG.

"W. HENRY.

"This receipt is executed by the undersigned, keepers of the penitentiary, under protest, as follows:

"1st. Because the valuation affixed to the articles is greatly above their real wholesale cash value; and the same was made without any agency or participation of the undersigned therein, and by persons appointed for another purpose, by whose decision or valuation the undersigned are in no wise legally bound, and because some of them are unsaleable.

"2d. The undersigned receive the articles specified in the foregoing inventory, as the agents of the State, for the purpose of safe-keeping, and returning them under the provisions of the law under which we were appointed.

"3d. We affix our signatures to this receipt, because it was required of us as a condition precedent to our being put in possession of the penitentiary.

"The Governor and the keepers of the penitentiary differing as to the true meaning of the law on this subject, this protest is attached hereto, for the purpose of a fair understanding, that redress may be made by the Legislature.

NEWTON CRAIG,

"W. HENRY."

Receipt of Craig & Henry for tools and implements of trade.

"Received, March 1, 1844, of the commissioners of the sinking fund, the articles mentioned in the foregoing schedule or list, as set forth in this

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paper of eighteen pages, amounting to five thousand eight hundred and sixteen dollars and fifty-eight cents, and twenty-five dollars for shingle machine—amounting in the whole to \$5,841 58.

“NEWTON CRAIG,
“W. HENRY.”

Receipt of Craig & Henry for machinery.

“Received, March 1, 1844, of the commissioners of the sinking fund, the machinery in the above schedule or list, and the articles therein named, amounting to two thousand one hundred and twenty dollars (\$2,120.)

“NEWTON CRAIG,
“W. HENRY.”

The institution was then delivered to Craig & Henry, who took charge of it, and proceeded at once to carry on the operations of the same in the various mechanical and manufacturing branches, as heretofore done by former keepers.

Nothing of interest occurred until August, when a further effort was made on the part of the commissioners of the sinking fund with the late keeper for a final settlement, and on the part of Craig & Henry to have a fair valuation of the articles to be delivered to them according to law.

A meeting of the commissioners of the sinking fund was held in Frankfort on the 21st June, 1844, when Messrs. R. P. Letcher, Chairman, John Tilford, President N. Bank of Kentucky, and Virgil McKnight, President Bank of Kentucky, were present, and appointed Messrs. McKnight and Tilford a committee to make a final settlement with Thomas S. Theobald, late keeper of the penitentiary, and make report to this board.

The commissioners met again on the 17th August, 1844, when Messrs. Tilford and McKnight made the following report:

“Report of committee declining to make a settlement.

“At a meeting of the commissioners of the sinking fund, the 17th August, 1844, Messrs. McKnight and Tilford made the following report:

“The undersigned, a committee appointed by the commissioners of the sinking fund to make a final settlement with Thomas S. Theobald, late keeper of the penitentiary, report:

“That they met at Frankfort the 16th inst., to make the settlement indicated by the order of the board, when a communication from Messrs. Craig & Henry was presented to them, in which they insist—1st. That the valuation of the \$25,000, of manufactured articles and raw materials, which were delivered to them the 1st of March last, is greatly beyond the true value of said articles. 2d. That the tools delivered to them were valued much higher than their intrinsic worth, and some of them were of little or no value whatever. 3d. That the articles thus valued and delivered to them were now the property of the State, and the same is therein tendered to the commissioners of the sinking fund; and 4th. That the law under

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which said Craig & Henry came into office has not been complied with on the part of the State and the commissioners of the sinking fund. Your committee refer to said communication, and make the same a part hereof. They express no opinion in this report, either upon the facts or arguments contained in that communication. But, under all the circumstances, as presented to us, we deem it inexpedient at present to make a final settlement with the late keeper of the penitentiary, for the following reasons: 1st. Because, if a settlement is now made and finally concluded with Mr. Theobald, the estimated value of the manufactured articles, raw materials, and machinery made by Messrs. Apperson and Bullock would, of necessity, be the basis of such settlement, and if hereafter that estimate should be reduced by any action by the Legislature or otherwise, the same would be a loss to the State to the extent of such reduction; and 2d. Under the law directing the building of the cells and extending the walls of the penitentiary, commissioners were appointed under the act of 14th February, 1839, to estimate the value thereof, who made a report at the session of 1842-3. This report, so far as your committee have been advised, has not been acted upon, or in anywise received the sanction of the Legislature. 3d. The said Craig & Henry, in their receipt for the articles above mentioned, protested against the valuation, and stated that the object of making it was to apply to the Legislature for relief.

"For these reasons, and others which we deem unnecessary at present to refer to, we decline making a settlement with Mr. Theobald at this time, and request to be discharged from the further consideration thereof.

"August 17, 1844.

"(A copy.)

J. HARLAN, *Secretary Sinking Fund.*"

In reply to the report of the committee of the sinking fund commissioners, Messrs. Craig & Henry addressed to them the following letter, to which they replied through their secretary, Mr. Harlan:

"*Letter of Craig & Henry to Commissioners Sinking Fund.*

"OFFICE KENTUCKY PENITENTIARY, }
 "Frankfort, August 16, 1844. }

"*To the Commissioners of the Sinking Fund:*

"GENTLEMEN: On the 1st of March last, when we were about to take possession of the penitentiary, as keepers, we were presented by you with lists of the various articles of stock, raw materials, manufactured articles, tools, and implements of the various trades, &c., carried on in the institution, with a price or value affixed to each, and were then required by you to sign receipts for the same, as precedent condition, before we would be allowed to take possession of the penitentiary, which we did; but at the time, we reserved our right, and entered our protest against signing said lists of articles, &c., as will be seen by the protest annexed to our receipts.

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“At that time we were wholly ignorant of the kind, quality, or value of the various articles for which we gave the receipt, and were not allowed even time to make an examination; but since we have been at the trouble and expense of making out a list of the various articles for which our receipt was given, and have also called men of the first respectability, for integrity, and whose skill and knowledge as judges of the true cash value of the articles, entitles them to full credit; and in their judgment, the value put on the articles by Messrs. Apperson and Bullock, (and which was in the list receipted for,) exceeds the true fair cash value, taking it as a whole or entire estimate, by the sum of \$——.

“We are of opinion that the valuation of Apperson and Bullock was made under the first section of the act of the 8th of March, 1843, and for the purpose of making a settlement with the then keeper, (T. S. Theobald;) but we contend that no valuation has ever been made under the third section, by which you are directed to deliver to us raw materials, stock, &c., to the value of \$25,000, and half the balance. This capital, which the act says shall be a fund for the more efficient and profitable management of the penitentiary, and loaned to us at six per cent. per annum, has never as yet been set apart to us. The first section provided for a settlement between the former keeper and the State, up to the 1st of March, 1844. The second section provides that a capital of \$25,000, &c., as a fund for the more efficient and profitable management of the penitentiary, to be loaned to the present keepers from and after the 1st of March, 1844, for the space of five years to come. It is therefore evident that the valuation and settlement made by Apperson and Bullock with Theobald, both of whom were present, but of which we had no knowledge, or notice, should not bind or be obligatory on us; they are separate and distinct; and the settlement with Theobald was to be made of all the raw materials, stock, &c., on hand, be the amount much or little; and as between the State and Theobald, valuers were to be selected by the commissioners of the sinking fund for the purpose of a settlement *between them*. But by the second section, a capital of twenty-five *thousand dollars*, out of the raw materials, stock, manufactured articles, debts and effects, as a *capital and fund*, (not for the purpose of settlement, as in the first section,) but for the more efficient and *profitable management of the penitentiary*. Very different, therefore, is the object of the first section from the second: the first object was to settle and wind up the old partnership: the object of the second was to advance a fund, which would be efficient and profitable to carry on the new partnership. The \$25,000 worth, as we believe, ought to be in articles, as the act says, of a saleable description, and at a fair cash wholesale price, and a fair proportion of each article mentioned by the law: that is, a fair proportion of raw material, stock, a fair proportion of such articles, according to the qualities manufactured in the penitentiary, which

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are saleable. Because, if they are not saleable, and at a fair wholesale cash value, they are unprofitable, and a certain loss to us; so far from being an efficient fund, they are a dead weight, an actual drawback, and certain loss to us. The list of articles, therefore, which we were, by you, compelled to give a receipt, you having most illegally and unjustifiably, as we conceive, refused to give us possession of the penitentiary, but on the condition that we would first subscribe our names to the list of articles as a precedent condition; without the signing of which, we were denied and refused possession, and were not even allowed time to examine the articles to inform ourselves whether such description as set out in the receipt were to be found, or to ascertain their quality, description, and value, and whether they were of due proportions of what the law directed you to loan to us, or whether they were such as would be profitable as a fund, for the more efficient and beneficial management of the concern. All these privileges we were denied by you, and having by our protest, reserved our right to receive those articles, provided they were such as would be suitable and efficient as a fund beneficial to carry on the institution, and finding them, on full examination, to be articles unsaleable, and inefficient, and such as would be a dead loss, we have determined to inform you, that they are here now as we found them, and do now desire that you come forward and receive them from us, without further delay; they are here ready to be delivered; they are such as are of no use to us, but very much in our way, and we now tender them back to you.

"We would further inform you, that we are ready to receive from you \$25,000 worth of saleable articles as a loan from the State, provided we can get such as the Legislature by the act has directed, and in every particular we are ready and willing to receive from you saleable articles which would come within the description of the law, when fairly interpreted. We say to you, that we are now ready to receive saleable articles in fair proportions, and at a fair cash wholesale price or value.

"We have also made an examination of the machinery, and the tools and implements of trade, and find that great mistakes have been committed, both as to their quality and value. We have been at the trouble and expense of calling on men well skilled in the various trades carried on in the penitentiary; men of the first standing for integrity and superior judgment in the various trades, and who have made a full and fair valuation of the machinery and tools, and whose judgment make a wide difference from the value of these same articles, set down in the list you compelled us to sign. It is true, that we may return the same at the end of our term, but it has to be a return equal in value at the time when we received them; and if the present value set down in your list is double the true value, we are compelled to return double the value of what we received. If these tools, &c., were received from Mr. Theobald at double their real value, through favor to him, that is not our concern. But when

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it is attempted to favor him at our expense, we must object. We say, therefore, that we will not submit to the prices annexed to machinery and tools in your list you compelled us to sign, because it is at least the double of their fair value; and we further say, that there never has been a fair cash value put upon these articles by any person in pursuance of the law.

“We will not recapitulate, with minuteness, the various particular items in the list, for which we were compelled to give our receipt, because, by a reference to that list, and a comparison of it with the fair valuation, which has been made by good judges of the prices, or fair value of each and every article, the difference is perceived to be so great, as at first blush is calculated to astonish the most credulous mind, and carries with it a conviction of the great injustice which we would suffer if the prices of the articles in the receipt we gave should be attempted to be imposed on us. We more particularly call your attention to the articles, which you have selected to be as a loan to us as a fund for the more profitable and efficient means of carrying on the business of the institution. These articles, as your list shows, are composed, to the amount of \$——, of a large quantity of tombstones, and articles very unsaleable, even by retail, and the prices put on these articles are at least from two to three hundred per cent. above their fair cash value. For the correctness of these facts, we stand pledged to show their truth. It is fully proven by the valuation made by men who are good judges of stone work, men who are well skilled in the trade, being long employed in the manufacture of stone, by whose valuation, instead of being \$——, as you in your list have made, is in truth and in fact, by a fair estimate, made by impartial, skillful judges, worth only the sum of \$——. That we should submit to an imposition so ruinous in its consequences, and so outrageous in its principles, cannot be expected by you; and we are sure, upon reflection, will not be insisted upon. If, then, as we suppose, under the first section of the act, you received the above lot of stone from the late keeper, upon a settlement, as by the act directed, at a price three times their value, it is no concern of ours. So far as the settlement was made between the State and the late keeper, we have had no part, no knowledge, nor is it in any manner our business. All we know is, that no act in that settlement, if one has been made, (of which we know nothing,) does not bind us, and any attempt to force upon us the articles you received from the late keeper, *for the State*, will not be received by us, because they are not such articles which the law contemplated we were to receive as a loan, and if they were, the price being at least three times their fair cash value, it would be very unjust and ruinous to us, to submit to so great an imposition.

“We will not, in the present communication, inquire what the amount of raw material, manufactured articles, debts and effects, were on hand in the penitentiary at the commencement of our term. We had no oppor-

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tunity or means allowed us to ascertain. We believe you had the power of knowing, and perhaps were informed on these matters. All that we can say is, that a due proportion of the various items directed by the law to be loaned to us, has been disregarded altogether. It is with regret that we find that a lot of articles, among which are a large lot of tombs, attempted to be imposed upon us at three times their value, are articles very unsaleable, and one which the Legislature never intended to impose upon us. Neither will we inquire the object of this large quantity of tombs being made during the year after our election to office, nor will we form, or make any comments on the motives which dictated to us as a *sine qua non*, the signing of the receipt before we were permitted to take the possession, or have an inspection and examination of the articles in the receipt. Nor will we assert it to be the fact, that the refusal to give possession was held out to us, based upon the idea that we would not submit to so great an imposition, and refuse to sign the receipt, thereby depriving us of our right to have the possession.

"These and other inquiries will be made in due time, unless we can obtain that justice which we are fairly by law entitled to. We therefore inform you, that the articles are here as you left them, ready to be delivered to your order. They are not ours. Who they belong to is not for us to inquire. Whether you have made a settlement with the late keeper, and received these articles for the State, the one half of which was her property before, and to that extent paid her own debt with her own property, for the benefit of another, is no concern of ours.

"The 17th section of the law under which we were elected, provides that we shall have the right to pay up the amount of manufactured articles, debts, and effects, at any time. We also tender them under that (17th section.)

"We further state to you, that we expect to be able to show that there has been a fraud attempted to be practiced in that valuation, in a pile of stonecoal dirt, charcoal dirt, a lot of stage hubs, by valuing the same articles twice, in many cases, &c., &c. And we wish it distinctly understood, that we most positively deny ever being notified to attend the appraisement, or ever being invited. But, on the contrary, claimed the right to be present, and were denied the privilege. Nor have we any knowledge that there was a valuation, only from hearsay.

"We might enter into many particulars, showing the great injustice that would be visited upon us in the details of various errors, both in the value and unsaleableness of many articles left here. But we reserve these for future examination and discussion.

"We then again repeat that the articles here are such as we are not, by a fair construction of the act of the Legislature, bound to receive. They are unsaleable, and of no use to carry on the business of the institution. They would be certain loss and certain ruin to us to take them. We

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therefore now tender them to you, or your order, and desire very much that they be taken away. It is out of our power to sell, even at one third the price you have set upon them.

"With expectations of hearing from you shortly, with the highest consideration, remain, very respectfully, yours, &c.

"CRAIG & HENRY."

"Letter of Commissioners Sinking Fund to Craig & Henry."

"FRANKFORT, AUGUST 17, 1844.

"GENTLEMEN: Your communication of the 16th inst., to the commissioners of the sinking fund, has been duly received, and we have given it such consideration and reflection as its importance and our duties, as commissioners of the sinking fund, demand. We shall, therefore, as briefly as practicable, proceed to answer such of the arguments as are deemed material, which you have furnished us with, and upon which you rely as justifying the positions which you have assumed respecting your liabilities to the State. We will remark, that we were not a little surprised at the announcement, made in said communication, of your intention at the outset, to violate a part of your contract with the State, entered into by you deliberately and voluntarily.

"The grounds assumed by you, as we understand them, are—

"1st. That the valuation of the \$30,000 of manufactured articles and raw materials which were delivered to you the first of March last, is greatly beyond the true value of said articles.

"2d. That the tools delivered to you were valued much higher than their intrinsic worth, and some of them were of little or no value whatever.

"3d. That the articles thus valued and delivered to you are now the property of the State, and the same is tendered by you to us.

"4th. That the law under which you went into office has not been complied with on our part.

"The act by which you were appointed keepers of the penitentiary, and which contains the contract between you and the State, and which prescribes our duties as well as your own, was approved the 8th of March, 1843. By the first section of that act, it is made the duty of the commissioners of the sinking fund to appoint two *disinterested persons*, whose duty it should be to value, *under oath*, the raw material, stock, and manufactured articles which might be on hand the first of March, 1844, being the expiration of the time of the then keeper. It was also made the duty of the valuers to place upon each article of property a *fair wholesale price*, and to return a list of the same to the commissioners of the sinking fund, to be by them preserved; and to make an inventory of the tools, implements of trade, and machinery on hand, annexing to each article its value.

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"This valuation was to be made—*first*, for the purpose of enabling the commissioners of the sinking fund to settle with the out-going keeper; and *secondly*, for the purpose of handing over the same articles of property to his successors. Indeed, the last sentence of the first section of the act shows, as we conceive, most clearly, that the valuation and inventory of the property were to be made for the latter purpose as well as the former, for it expressly uses the words, 'with the view of being handed over to the new keepers.'

"The second section of the act provides, 'that a capital of \$25,000, if there be so much belonging to the State, shall be set apart out of the raw materials, stock, manufactured articles, debts, and effects *aforesaid*, as a capital and fund,' &c., and 'shall be loaned to the keeper or keepers, appointed under this act, for and during the time he or they may be in office, at an interest of six per centum per annum,' &c.

"The third section enacts, 'that the commissioners of the sinking fund deliver over to the said keeper or keepers the raw materials, stock, manufactured articles, debts, and effects which the commissioners shall receive in the settlement with the present keeper to the value of \$25,000, and one half of the balance, if there be more on hand than the \$25,000: they shall also deliver over to him the tools and implements of trade in the penitentiary, and take his receipt for the same *on the inventory, with the value annexed to each article aforesaid*, and file the same with the Auditor of Public Accounts: they shall also deliver to him all the machinery now on hand, and *take his receipt on the inventory, with the value annexed to each article, as aforesaid*, and file the same with the Auditor of Public Accounts.'

"Thus it will be seen, by reference to the 1st, 2d, and 3d sections of the act under which you were appointed keepers, there is not the slightest pretext for the opposition you have made to the account, according to the contract, for the property and effects delivered by us to you at the time you took possession of the penitentiary. We cannot view it in any other light than an attempt to repudiate, at the expense of good faith towards the State, such parts of the contract which you have solemnly and deliberately entered into, as does not conduce to your interests. We are forced to this conclusion from the fair import of the law under which you were appointed: from your disingenuous representations of the facts, and from the history and practice of former keepers for the last ten or fifteen years. Are not the *values and inventories* mentioned in the third section, the same which were required to be made by the two '*disinterested persons*' appointed by us under the first section? Does the act provide for any other mode of making an *inventory and valuation* than such as are mentioned in the first section? Does it say *we shall receive the tools, machinery, manufactured articles, &c., from the retiring keeper at our valuation, and deliver them to you at another and a different price?*

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“The act of 1843 is nearly a literal copy of other acts under which your predecessors were appointed; and the same course was pursued towards them upon this subject, which we have adopted in this instance; and this fact, we have the right to conclude, had not escaped your observation. No objection or complaint has ever been made, so far as we are advised, by any who have preceded you in the office of keeper. You had one year after your election, and after you knew what sort of contract the State was willing to make, to consult, advise, and determine whether you would accept the terms of the contract or not. You were not taken by surprise; the law under which you were to take the contract of the institution, and the practice of the State with other keepers under similar laws, were, we are compelled to believe, perfectly familiar to you and well understood by you.

In your communication you say, the raw materials, tools, &c., were valued to a much higher price than they were in fact worth; and that you have procured competent men to value them, whose estimate is much less than that fixed by Messrs. Apperson and Bullock, the two gentlemen whom we had selected to make the valuation. We cannot admit that the property was valued by Messrs. Apperson and Bullock at too high prices; on the contrary, we insist that the valuation made by them was fair and just. They are gentlemen of the highest reputation for integrity, and of sound and enlightened judgment. They acted under the sanction of an oath, and under the responsibility of an appointment pursuant to law. There was no reason or inducement for them to place either too high or too low estimates upon the property.

As regards the valuation which you afterwards procured to be made, we do not and cannot recognize it. It was without authority of law, without legal responsibility, and without the sanction of an oath of legal obligation. Had the same been made with all the care and solemnity possible, it still amounted to nothing so far as your responsibility to us is concerned; if for no other reason, simply because the law which governs the case does not authorize it.

“Whatever equitable considerations you may present to the Legislature for relief, we have nothing to say. We have no right to express an opinion upon that feature of the case. But so far as we are able to perceive our duties under the law, we cannot be induced to swerve from them, and we shall insist upon the obligations of the contract being strictly observed.

“Besides, you took possession of the penitentiary and the property valued to you the first of March last, and, as we have been informed, you did not have *your* valuation made until several months afterwards. What portion of the manufactured articles had been sold, and what portion of the raw materials had been worked up, and whether all the machinery, tools, and implements of trade were on hand and present at the time, are subjects presenting difficulties and embarrassments not likely to be easily

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settled. It is quite probable that many of the manufactured articles on hand at the time you took possession of the institution, and which were valued to you, were slow of sale, and possibly some of them unsalable. These are facts, if indeed they be true, of which you were fully apprised, or should have been, having every means in your power to ascertain them. The operation and business of the institution were subject to your inspection, both before and after your appointment, and you had a year to inform yourselves upon these subjects after you had received your appointment, and before you had to enter into bond, and up to the time you did execute bond, you had the right to abandon the contract.

"You should remember there were other gentlemen who were willing and anxious to take the institution upon the terms prescribed by law; but the Legislature elected you in preference to either of them, and devolved upon us the duty of attending to the execution of the contract. This we have endeavored to do in good faith. It is not, we think, acting in good faith towards the public, now that you have got possession of the penitentiary, to attempt the repudiation of such parts of the contract as is to the interest and advantage of the State.

"You complain that 'we most illegally and unjustifiably,' as you conceive, refused to give you possession of the penitentiary, but on the condition you would first subscribe your name to the list of articles as a precedent condition, and without the signing of which you were denied and refused possession, and were not even allowed time to examine the articles to inform yourselves whether such descriptions as set out in the receipt were to be found, or to ascertain their quality, description, and value, &c. It is true we did refuse to give you possession until you gave bond, conditioned as the law required, for the simple reason our duty to the State required it. To the allegation that we required you to execute the bond without affording you time to examine the articles contained in the list, &c., we oppose our most unqualified denial. We have no recollection of your asking time, nor do we believe you did. You were distinctly informed that unless you executed bond and give your receipts for the articles to be delivered to you, we would not surrender to you the possession of the institution. We further allege, that you had notice (not official, because none was necessary) of the persons whom we had selected to make the valuation, as well as the time it was to be done. We have also been informed, (of course we have no personal knowledge of the fact, not being present at the time,) that you, or one of you at least, were present at the time Messrs. Apperson and Bullock commenced the discharge of their duties, and if you absented yourselves any portion of the time, you did it voluntarily, and of your own accord.

"Your protest upon the receipt for the manufactured articles and raw materials was placed there at your request, not for the purpose of avoiding any stipulation therein contained, but for the purpose, as stated in the pro-

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test, of making it the foundation of an application to the Legislature for relief. It was in that view you were permitted to enter it.

"You are pleased to make a tender to us of the property which you received the first of March last. We are not aware of any law which would authorize you to make such tender to us before the expiration of five years from the time you came into office. Your bond, and the law under which it was executed, require that you keep the property and pay interest on \$25,000 worth thereof. We are not permitted to change the law in that or any other respect. Our duty is to cause it to be executed. We will add, in conclusion, that we have endeavored faithfully to carry into effect the plain intent and meaning of the Legislature, as expressed in the act referred to. If the terms of the act are more favorable to the State than they should have been, and you have undertaken the fulfillment of a 'hard bargain,' your complaints should have been directed to the law-making power, not to us, to whom its execution was confided. We are satisfied you have no well-grounded cause to complain against us, and we shall continue in the discharge of what we conceive to be our duties in the premises, and will expect a compliance with the law on your part by fulfilling the obligations and covenants of your bond. These obligations consist, (as we interpret them,)

"1st. To pay an interest of six per cent. per annum (semi-annually) on \$25,000 of the manufactured articles and raw materials received by you.

"2d. To render, at the end of your term, the same amount in value of manufactured articles and raw materials, and also of tools and machinery delivered to you when you took office.

"3d. To pay into the treasury, annually, at least \$5,000, and also whatever amount over that sum may be the State's proportion of the annual profits of the penitentiary.

"Very respectfully,

"Your obedient servants.

"Signed by order and in behalf of the commissioners of the sinking fund.

J. HARLAN, *Secretary.*

"Messrs. CRAIG & HENRY, *Keepers of the Penitentiary.*"

The following letter from Mr. Theobald, in response to the charges of Craig & Henry, and the reasons of the commissioners of the sinking fund for not settling with him, will fully explain itself:

"*Letter of Thomas S. Theobald to the Commissioners of the Sinking Fund.*

"FRANKFORT, August 21, 1844.

"To his Excellency, R. P. LETCHER,

"*Chairman of the Commissioners of the Sinking Fund:*

"SIR: On the day of its date, I received from J. Harlan, Secretary of the commissioners of the sinking fund, the following notification:

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"DEAR SIR: The commissioners of the sinking fund will be here *next Friday*, to make a final settlement with you as late keeper of the penitentiary. Please make your arrangements accordingly.

"Very respectfully,

J. HARLAN.

"*Frankfort, Monday, August 12, 1844.*"

"I received this notification with great satisfaction, being exceedingly anxious to close a final settlement with the commissioners, as late keeper of the penitentiary.

"In pursuance of the notice, I waited on the commissioners at the Executive office, where they were to sit: Mr. Thomas B. Stevenson, late clerk of the penitentiary, having made full report to you of the state of accounts, from the books of the institution. The board not being full on Friday, owing to the absence of John Tilford, Esq., I was verbally notified to attend again on Saturday, which I did. But on that day, as on the one preceding, not one word was said to me, orally or otherwise, indicating the slightest purpose to enter upon or make a settlement. My views respecting the accounts, which had been furnished by Mr. Stevenson, were not asked: nor was there any intimation made to me of the existence of any embarrassments or hindrances in the way of a settlement. On Monday following, and after the board had adjourned, I was served with a copy of the following report of Messrs. McKnight and Tilford:

"At a meeting of the commissioners of the sinking fund, the 17th August, 1844, Messrs McKnight and Tilford made the following report:

"The undersigned, a committee appointed by the commissioners of the sinking fund, to make a full settlement with Thomas S. Theobald, late keeper of the penitentiary, report:

"That they met at Frankfort the 16th inst. to make the settlement indicated by the order of the board, when a communication from Messrs. Craig & Henry was presented to them, in which they insist:

"1st. That the valuation of the \$25,000 of manufactured articles and raw materials, which was delivered to them the first of March last, is greatly beyond the true value of said articles.

"2d. That the tools delivered to them were valued much higher than their intrinsic worth, and some of them were of little or no value whatever.

"3d. That the articles thus valued and delivered to them, were now the property of the State, and the same is therein tendered to the commissioners of the sinking fund. Your committee refer to the communication, and make the same a part hereof. They express no opinion in this report, either upon the facts or arguments contained in that communication: but under all the circumstances, as presented to us, we deem it inexpedient, at present, to make a final settlement with the late keeper of the penitentiary, for the following reasons:

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"1st. Because, if a settlement is now made and finally concluded with Mr. Theobald, the estimated value of the manufactured articles, raw materials and machinery, made by Messrs. Apperson and Bullock, would, of necessity, be the basis of such settlement; and if hereafter that estimate should be reduced by any action by the Legislature or otherwise, the same would be a loss to the State to the extent of such reduction; and,

"2d. Under the law directing the building of the cells and extending the walls of the penitentiary, commissioners were appointed under the act of the 14th of February, 1839, to estimate the value thereof, who made a report at the session of 1842-3. This report, so far as your committee have been advised, has not been acted upon, or in any wise received the sanction of the Legislature.

"3d. The said Craig & Henry, in their receipt for the articles above mentioned, protested against the valuation, and stated that the object of making it, was to apply to the Legislature for relief.

"For these reasons, and others which we deem unnecessary at present to refer to, we decline making a settlement with Mr. Theobald at this time, and request to be discharged from the further consideration thereof.

"August 17, 1844.

“(A copy.)

J. HARLAN, *Secretary Sinking Fund.*”

"The reasons assigned in this report of Messrs. McKnight and Tilford, are, to my mind, wholly and entirely insufficient to sustain the commissioners of the sinking fund in their refusal to settle with me. Had they informed me at the time of their existence, and permitted me to respond to them, I think I should have been able to remove the embarrassments which they have produced. Should I, however, be mistaken in this, at any rate, if the opportunity had been afforded me, I should have been better satisfied with their decision. The committee say, that they have other reasons against making a final settlement with me, which they do not deem it necessary to refer to. It would have gratified me to have been placed in the possession of the knowledge of *all* the reasons against the settlement being made, but I suppose those which have been enumerated are the principal ones, and I shall proceed to answer them as briefly as possible:

"“1st. Because, if a settlement is now made and finally concluded with Mr. Theobald, the estimated value of the manufactured articles, raw materials, and machinery, made by Messrs. Apperson and Bullock, would, of necessity, be the basis of such settlement, and if hereafter that estimate shall be reduced by any action of the Legislature or otherwise, the same would be a loss to the State of such reduction.’

"I shall contend, and I trust conclusively show, that the settlement, if made at all, must be based upon the estimate of Messrs. Apperson and

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Bullock, and that no other basis or data can, in justice or law, be adopted by the commissioners, between them and myself.

"Had your committee or the commissioners, examined carefully the several acts of the Legislature upon the subject, they could not have resisted, in my opinion, the conclusion for which I contend.

"The 4th section of the act of 1839, (3d vol. Stat. Laws, 486, being the law which constitutes the contract of the State and myself,) enacts, 'that the said keeper (Thomas S. Theobald) shall pay the principal sum for the raw materials, stock, manufactured articles, debts, and effects which he shall receive from, and receipt to the commissioners of the sinking fund for, whenever he shall cease to be keeper, or leave in the penitentiary an equal amount of raw material, stock, and saleable manufactured articles, at a fair cash wholesale price.'

"The only question, therefore, to be settled is, have I left in the penitentiary, when I retired from it, a sufficient amount of raw material, stock, &c., to pay the State the amount which she advanced to me in like material, at the commencement of the copartnership? If I have, this *reason* is fully answered. I shall insist that, as between myself and the commissioners of the sinking fund, the question as to whether I have complied with the 4th section of the act of 1839, is not an open question, and that they have been concluded by their own acts. Besides, I shall insist that I have, to the letter and spirit of the law, complied with and performed all and every duty and obligation imposed upon me by the law, or the terms of the copartnership. It was my intention thus to act and deal with the State and her agents, and I now submit the facts touching the question to you, feeling well assured that before whatever tribunal these facts may come, I will be sustained in the view which I have taken of the question.

"The act of 1839, I believe, does not specifically designate by whom, or in what particular mode the value of the property, which it gave me the privilege of leaving in the penitentiary, in discharge of my debt to the State for stock, &c., shall be ascertained.

"The *right* to pay the debt in property is expressly secured, and if the act is silent as to the *mode* of ascertaining its value, the general law points out the mode. The main point, however, which I wish now to establish is, that the State, nor her agents have, by any express or implied stipulation in the act of 1839, (which embraces the contract of partnership between us,) the *exclusive right* to place a valuation on the property which I might have in the penitentiary. Such a right is not there granted, nor can she, any more than a private person, usurp such right. Her sovereignty is cramped and trammelled, when she stoops to enter into contracts with private persons, by the terms of the contract, and she is placed upon no better or higher grounds than the other party or parties.

"But the act of 1843 (Session Acts 1842-3, page 38) prescribes the

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mode of ascertaining the value and kind of property, and puts the whole question to rest. The first section of which I will here copy:

“That for the purpose of making a final settlement with the present keeper of the penitentiary, up to the first of March, 1844, when the time for which he was appointed expires, the raw material, stock, and manufactured articles on hand, shall be valued by two disinterested persons, to be selected by the commissioners of the sinking fund, at the expiration of the present keeper's term of office, and said valuers shall take an oath, before some justice of the peace, faithfully and impartially to value said property at a fair wholesale cash value, and annex the value to each article thereof, and return the same to the commissioners of the sinking fund, to be by them preserved; and said valuers shall make a complete inventory of the tools and implements of trade in the penitentiary, and annex the value to each article, and the same shall be compared with the receipt of the keeper, for the tools and implements of trade, which were on hand when he last came into office, now on file in the Auditor's office, and if the same shall fall short of the valuation made in said receipt, the keeper shall be charged with the deficiency, and if they exceed the valuation made in said receipt, the keeper shall be credited with one half of the excess. And it shall be the duty of the commissioners of the sinking fund, and they are hereby authorized to settle with the present keeper, and to divide the raw material, stock, manufactured articles, debts, and effects belonging to the penitentiary, in which the keeper and Commonwealth are jointly interested, in such manner as to provide for the payment of the debts and the return of the \$25,000, with interest, which was advanced to the present keeper when he was last appointed keeper, and to divide the profits equally between the Commonwealth and the said keeper, in accordance with the law under which he became keeper; and the said valuers shall also make an inventory of the machinery now on hand, and annex the value to each article, with the view of being handed over to the new keeper.’

“A similar mode of settlement to this was adopted in 1829, and I believe it has been the uniform practice of the Legislature, to settle with the keepers of the penitentiary, according to the above plan, ever since the adoption of the present system of managing the institution. I think there can be no mistake of the duties of the commissioners of the sinking fund, as specified in this section of the act. Did they not appoint or select two disinterested persons to value the raw material, &c., according to the provisions of this section? Did not these valuers proceed to make out an inventory of all the property, machinery, &c., annexing the value to each article, and did they not report the same to the commissioners, as required by the law? Did not the commissioners receive the property thus valued, and did they not convert it to the use of the State, by handing it over to my successors, to the amount of *thirty odd thousand dollars*, and take their bond

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for the repayment of the same, with interest? Were not all their proceedings in these respects according to law?

"It seems to me an affirmative answer must be given to each of these questions. Are they not, therefore, estopped to allege anything against the correctness of the valuation, made as it was, by men of their own choosing, especially after the lapse of six months; after they have been in the possession and use of the property during the whole time, and after the accounts upon the books of the institution were made to conform to this state of case, and that, too, by the clerk of the penitentiary, by their own authority? Had they the right to take the property from my possession without my consent, and is it to be supposed I would have surrendered it to them without first having a valuation set upon it, which would be equally binding on the State as well as myself?

"Is it not acting in *bad faith* towards me, (and I am sure none of the commissioners would do so knowingly,) now to hand me over to the Legislature, and subject me to the uncertainty, which must always characterize the proceedings of so large a body of men, circumstanced as they are, upon subjects of this kind? When did the commissioners heretofore pursue a similar course? This is not the first time in the history of the penitentiary that settlements have been made with the keeper, precisely as it has been thus far made with me, and upon precisely the same basis, which I contend this settlement shall be made.

"Nor do I remember the first instance, since the institution has been under its present system of management, when it was thought necessary by the commissioners to refer the valuation to the Legislature for the purpose of having its sanction. I, therefore, most solemnly protest against such a reference, or a suspension of a settlement with me, until it is ascertained whether the Legislature will grant the relief sought by Messrs. Craig & Henry. I protest against it, because the contract provides for no such reference. Because, whatever the Legislature may now do to disturb the present condition of the matter, will be without authority of law, and must of necessity be *ex post facto* in its bearings. Because, full and complete power and authority have been delegated to the commissioners of the sinking fund to make the settlement. They are a *corporate body*, and the property or fund in question belongs to *them*, as such, and I cannot make a settlement which will be legal, but with them. This, I understand, is the reason why the whole matter is, by the act of 1843, placed in their hands.

"Might I not, with just as much propriety and right, and with precisely as much sanction of law, as one of the partners or parties to the contract, set up a pretension that I will value every thing belonging to our joint interests in a manner to advance my individual interest, and if the commissioners do not think proper to assent to my valuation, they shall not have a settlement with me till such time as the action of some tribunal,

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not known in our contract as having the powers of umpire, may gratuitously decide between us? Suppose I were now to take exceptions to the appraisement of Messrs. Apperson and Bullock, would the commissioners hesitate for a moment to say that my exceptions were captious, and should not be heard? If I have no right to do so, the commissioners nor the State has none. Our rights are equal and co-extensive, and that which does not bind the State does not bind me.

“I say most emphatically, that the Legislature, in passing the law under which I served as keeper, reserved no right to itself to supervise appraisements made by valuers appointed for that purpose. A reference, therefore, of the subject to it is, in my opinion, extra official, and I cannot assent to it.

“It was enough, and indeed it was going very far, when I consented that the valuers should be appointed by the commissioners of the sinking fund, to appraise between us. I reserved, or at least I did not claim the right, as would have been reasonable and just, to appoint one of those valuers. But the State enjoyed in full the right, and exercised it for its own benefit. I had no part or lot in their appointment. I had no influence either in their appointment or their action, and they were men whom I could not, if I had desired or attempted, which I did not, swerve or influence.

“The second *reason* assigned by the committee is: ‘2d. Because, under the law directing the building of the cells and extending the walls of the penitentiary, commissioners were appointed, under the act of the 14th of February, 1839, to estimate the value thereof, who made a report at the session of 1842–3. This report, so far as your committee have been advised, has not been acted upon, or in anywise received the sanction of the Legislature.’

“To this objection I oppose the arguments which I have made upon the first *reason*. It is not necessary again to repeat them.

“The Legislature, by the act of 1839, authorized the keeper of the penitentiary to erect a certain number of cells, and required that he should keep a just and true account of the expenses of the work, for the information of the Legislature. But she reserved no right to affix what value she pleases upon the work, and least of all, for the *one-sided ex parte* purpose, to which I never would have assented, of *revising* the appraisement of her own agents. It is very certain that I never would have accepted the contract if the State had reserved or claimed any such right.

“But I have more than complied with my obligations. I have not only kept a just and true account of the work, but have every year, during the progress of the work, reported the expenses to the Legislature.

“It never took any action on the subject, further than to print the reports for its own and the public's information. Besides, the case is made much stronger from the fact that Messrs. Apperson and Bullock were appointed on the part of the State to make full examinations and report.

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They did, and their report is full, explicit, and comprehensive, and was laid before the Legislature at its session of 1842-3, and was ordered to be printed, and which may now be found spread at large upon its journals. No action, it is true, so far as I know, was had upon the report, except that just named. But may not the presumption be properly and fairly indulged that it met the approbation of that body? Would not such presumption be allowed in individual transactions? Are not such presumptions daily permitted, and, indeed, required in courts of justice? Why not allow it in reference to the Legislature as well as to individuals? What was the report made for, (conceding the right of the Legislature to alter the appraisement, which I do not,) but to draw from it an opinion as to the fairness of the appraisement of the valuers?

"It will not be contended that the Legislature is more stupid and ignorant of its rights, and the necessary legal inferences which are to be drawn from its acts, than private individuals are. Such an imputation would not only be unjust, but untrue. If it ever had the right, therefore, to object, that right is *forfeited*.

"I ask the commissioners to give me the advantage of no other rules and laws than those enforced between private persons; but, at the same time, I want the State to be held amenable to those rules and laws.

"The third reason assigned is as follows: '3d. The said Craig & Henry, in their receipt for the articles above mentioned, protested against the valuation, and stated that the object in making it was to apply to the Legislature for relief.'

"This *reason*, I confess, astonished me much; but when I examined it in connection with the latter member of the sentence, stating the first objection, its intended application to my case is made apparent. What connection have I with Messrs. Craig & Henry? Should the Legislature deem it its duty to grant them the relief which they say they intend applying for, am I to be made to suffer on account of its benevolence? Surely not. Such conduct would not only be novel, but would be unjust in the extreme. I have no connection, and intend having none, with the dispute between them and the State. When the property was valued by Messrs. Apperson and Bullock, and was received and marked, as was the fact, so as to distinguish it, I ceased to have any claim to, or dominion over it.

"The transaction which the State afterwards had with Messrs. Craig & Henry, by which the property was delivered to them, was a separate and distinct transaction, with which I had not in fact, nor can be made to have in law, any connection whatever. So soon as the property was delivered by me to the agents of the State, my claim to it was at an end. I protest against my interests, in the least, being jeopardized by any subsequent disposition of the property.

"If the whole of it had been given to my successors, I had no right to complain, nor should I be injured by their complaints.

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"As to their 'protest,' I know nothing of my own knowledge, nor have I anything to do with it. That is a matter between Messrs. Craig & Henry and the State.

"But it is not necessary to say more on this branch of the subject. This communication has already been extended to a length far beyond what I intended. I thought it my duty to present the subject in what I conceive to be the proper light. As to the communication of Messrs. Craig & Henry, upon which Messrs McKnight and Tilford base their objections to an immediate settlement with me, I have but little to say. I have studiously avoided saying or doing anything which would, in the slightest degree, injure their interests. I have avoided, purposely, saying anything to their prejudice, or of expressing an opinion as to the difficulty between them and the State. But I cannot, in justice to myself, close this letter without taking some further notice of theirs. They complain greatly of the valuation of Messrs. Apperson and Bullock. In reference to the matter, I have this to say, that although I could, in some instances, specify its injustice to me, I believe, on the whole, it was fairly and justly made. The prices at which articles were valued, were correspondent to those at which I had made actual sales of similar articles, except that the valuers struck off ten per cent. to bring them to wholesale prices. And moreover, the prices were lower in many instances, and in a few, or none, that I am aware of, higher than similar articles were valued to me in 1839, of which you have the proof and the means of comparison in the reports of valuers of 1839 and 1844.

"I was not present when Messrs. Apperson and Bullock were making the appraisement, except in a few instances when I was sent for by them to answer some special inquiry.

"I thought it indelicate to be present, and absented myself on that account. I deny, most positively, any and all insinuations in the communication of Messrs. Craig & Henry, prejudicial to me, and I believe such to be false, made to the prejudice of Messrs. Apperson and Bullock. I make no reply to the controversy between them and the State.

"The matter, I suppose, will be properly attended to by those whose business it is.

"I have been the keeper of the penitentiary for ten years, during which time the institution was more prosperous and profitable to the State than it had ever been previously. This, I may say, I hope, without giving offense to my predecessors.

"During the whole time I have endeavored most faithfully and conscientiously to discharge my duty, both to the public and to the prisoners.

"The State has never lost one cent by me, and I have, at all times, been in advance to the State. I challenge the most searching scrutiny of

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my official conduct. I now have the right to expect from the agents of the State the same punctuality to me, when the fiscal report shows her to be in my debt.

"I have a right to a settlement, and a final adjustment of our partnership transactions. And if the matters between us are not amicably arranged, the responsibility does not rest upon me.

"I am sir, very respectfully,

"THOMAS S. THEOBALD."

Extract from Gov. Owsley's Message, December 31, 1844.

"The condition of the penitentiary claims your early attention. A few days only before I came into office the interior buildings of that institution, except the cells, were consumed by fire. The fire broke out in the night, but whether caused by accident, neglect, or design, I am unable to communicate satisfactory information. The books and accounts of the penitentiary were preserved without damage, but the loss in buildings, machinery, tools, manufactured articles, and raw materials, must be considerable, though difficult, if not impracticable, to be correctly ascertained. In estimating the loss, some aid may possibly be derived from statements which I have caused to be made out by the clerk of the penitentiary, and which are herewith transmitted. In those statements the loss is estimated and presented in a double aspect—one is exhibited by the valuation made by Messrs. Apperson and Bullock, of the stock, tools, and machinery, which were received from the late keeper of the penitentiary; and the other is exhibited by the valuation of the same articles made by Messrs. Glover, Needham, Scott, and others. According to the former estimate, the total loss (except buildings) sustained by the penitentiary, amounts to twenty-two thousand three hundred and fifty-five dollars and ninety-seven cents, (\$22,355 97;) and according to the latter estimate the total loss, with the same exception, amounts to thirteen thousand nine hundred and eighty-one dollars and eighty-three cents, (\$13,981 83.) Whether either of these estimates be correct will be for the wisdom of the Legislature to determine. But in connection with this subject it is proper to remark that there is an unsettled account between the Commonwealth and the late keeper of the penitentiary, the final adjustment of which materially depends upon what may be done by the Legislature in respect to those valuations. The valuation of Messrs. Apperson and Bullock was made under an appointment for that purpose by the commissioners of the sinking fund, authorized by an act of the General Assembly, approved March 8th, 1843. The commissioners were also, by the same act, authorized to settle the account between the Commonwealth and the keeper of the penitentiary. But after the valuation was made by Messrs. Apperson and Bullock, and when the present keepers were about receiving the possession of the penitentiary, an objection was made by them to accepting the stock,

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tools, and machinery, at the valuation of Apperson and Bullock; and a remonstrance to that effect was drawn up and presented by them. The present keepers afterwards procured a valuation of the property to be made by Messrs. Glover, Needham, Scott, and others. The two valuations differ so widely that it was thought most proper by the commissioners not to conclude the settlement with the late keeper until the subject was brought before, and acted upon, by the Legislature.

"The destruction of the buildings of the penitentiary seems never to have been contemplated by the Legislature, as there is no law to meet such an event. New buildings were indispensable, as well for the comfort of the inmates as the management of the institution. But there was no authority for any one to contract for the Commonwealth. The Legislature might have been convened, but not without cost equal, if not exceeding, the cost of any building that could have been erected before the time for the regular session; and from the advanced season for building, nothing was likely to be gained in forwarding the buildings by a call of the Legislature. Under these circumstances, I was induced, by what I believe to be the true interest of the Commonwealth and the institution, to advise the immediate commencement of new buildings. But the interest of the Commonwealth in the profits of the penitentiary is placed by law under the control of the commissioners of the sinking fund; and it was thought proper to obtain their concurrence in whatever might be done. The commissioners were consulted, and in their name the keepers of the penitentiary were advised to erect new buildings, under certain limitations and provisions, the import of which is contained in a writing, approved and executed by the keepers and their securities, in their official bond: a copy of which writing is herewith transmitted. Under the advice so given, and in accordance thereto, a new building has been put up.

"I trust that what has been done in respect to this matter will receive the approval of the Legislature. Care was taken to avoid doing anything that might, in any degree, embarrass the action of the Legislature. It was thought to be worthy of the mature deliberation of the Legislature whether some sort of restriction might not, advantageously to the community, be put upon the present unlimited power of the keepers in the management of the institution; whether it would not be beneficial to the industrial pursuits of the country to limit somewhat the mechanical operations in the penitentiary, and confine the business mainly to manufacturing. With a view to this object, the dimensions of the new building have been made to differ, in some respects, from the former building, but may be applied to any purpose which, in its wisdom, the Legislature may direct.

"The work was conducted by the keepers, under the supervision and control of Messrs. Wingate and Stealey, who were appointed by me, as agents, for that purpose. The building is two stories high, forty feet wide, and two hundred and twenty feet long. The entire cost of the building,

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including materials and labor, is five thousand six hundred and sixty-eight dollars and ninety-five cents. An account containing the particular items of cost has been made out and will be laid before you. Temporary workshops were also constructed at a cost, in materials and labor, estimated at eight hundred and seventy dollars and forty-two cents.

"Should a change in the management and business pursuits of the penitentiary be deemed politic, the keepers of the penitentiary, I am sure, will raise no objections. In that, as in all other matters, the keepers have displayed a becoming desire for the advancement of the public interest, and have indicated a willingness to submit to the untrammelled action of the Legislature. Under their obligations to the Commonwealth, the responsibility brought upon the keepers by the destruction in the penitentiary is heavy, and if wholly exacted, their loss will be grievous. It will be for the Legislature, in view of all the circumstances, to take such action as in their judgment may be calculated to advance the interests of the Commonwealth and the institution, and bring to a final adjustment the unsettled accounts and conflicting interests of the Commonwealth and the former and present keepers of the penitentiary, upon principles alike just and liberal to each.

"In looking to the further extension of new buildings, it may not be unworthy of consideration whether the outward walls of the penitentiary will not, at no distant day, have to be enlarged so as to comprehend more space for the business of the institution; and if so, whether provision ought not to be made for the procurement of additional ground for that purpose.

"The report of the keepers will afford more detailed information in regard to the condition of the penitentiary, and you will be furnished with such papers and documents as are in my possession, and which may be useful in your deliberations."

CRAIG & HENRY'S FIRST ANNUAL REPORT.

This report, and the various other documents which follow, will fully explain every fact relating to the disastrous fire which occurred on the 30th August, 1844, destroying the whole of the buildings, shops, &c., within the walls:

"In conformity with the 10th section of an act of the Legislature of Kentucky, entitled, 'An act to provide for a final settlement with the present (late) keeper of the penitentiary, for the election of another keeper, and for other purposes,' and also with the usages of our predecessors in office, we have the honor to submit the following report of the general condition, operations, and business, of the Kentucky penitentiary, dating from the 1st day of March last, and down to and inclusive of the 1st ultimo.

"On the 1st day of March, 1844, we become officially connected with that institution, by a compliance with every precedent legal condition which the

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aforesaid act, under the most rigid construction, could be supposed to require.

“The circumstances preceding our installment into office, embracing the settlement with the former keeper, (presumed to be partially within the knowledge of the greater part of the members of the Legislature,) so far as, in their consequences, they affect the interests of the present keepers, or those of the State, whose agents they are, do not properly fall within the letter of the act requiring this report. It is not, therefore, the design of the present keepers to do more than allude to that transaction, with a *second* formal protest of the manner and matter thereof, reserving for another and more suitable occasion, a full development of certain grievous grounds of complaint they suppose themselves to have to that settlement, as well as to the terms imposed upon them subsequently to the settlement, and prior to their installment into the office of keepers. The *settlement* as had, in its consequences to the present keepers, they regard as deeply affecting their private fortunes, as well as involving high questions of public morals. It will, therefore, be formally brought before the Legislature at its present session, in a more distinct form than the limits or design of an annual report would suffer. The keepers must be permitted to say that, to them, it is a matter of serious regret, that a complaint of any sort should accompany their *first* annual report. No allusion whatever should have been here made to this subject, had it not been for its intimate connection with the fiscal prospects and concerns of the institution over which they have been chosen to preside; these are, however, matters concerning which it would seem to be their especial duty to report, and consequently nothing should be omitted which may seriously jeopard interests connected with them. The keepers feel, however, a redeeming pleasure in reference to this branch of their report, in their ability to represent a flattering condition of the institution, so far as it has been within their own control, or in any wise dependent on the exertions of themselves or subordinates. Had the *spirit* of the law creating their relations with the Kentucky penitentiary, and requiring a settlement with the former keeper, been consulted with the same care which marked the observance of its *letter*, they feel persuaded that a state of affairs might have been presented, not only cheering to themselves, but gratifying to the numerous friends of the institution. As it is, the estimates to be found below, they believe, will exhibit a state of things which will compare favorably, with any of the reports of their predecessors in office.

“They herewith submit a report of the whole internal and fiscal condition of the penitentiary. The harassments consequent upon the circumstances immediately preceding their induction into office, (before alluded to,) as well as the engrossing nature of the engagements devolved upon them by the late burning within the prison walls, have prevented a critical examination into the details of the report about to be submitted. It is, however,

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made by an officer whose official appointment and tenure are entirely independent of the keepers, while these afford a high guarantee of his faithfulness to the Commonwealth. The keepers feel a confidence in his capacity, habits of business, and integrity, upon which they cheerfully indorse his tables. They doubt not they will be found strictly correct, except in the matters of accounts *not rendered* against the prison. These are not assumed to be *mathematical*, and in the estimate of the loss occasioned by the late burning, there will, of necessity, be some error. The difficulty in determining the *whole loss* in a burning of such magnitude will be readily conceived; the utmost attainable accuracy has, however, been aimed at. The report is as follows:

“OFFICE KENTUCKY PENITENTIARY, }
“Frankfort, 10th December, 1844. }

“Messrs. CRAIG & HENRY:

“GENTLEMEN: Inclosed you have statements A, B, and C, showing the expenditures of the prison (appropriately classed) from the 1st day of March, 1844, to the 1st day of December, 1844; also, the entire net earnings of the prisoners during said time, and the resources and liabilities of the prison at the last mentioned date. Statements D, E, and F, are similar to the first, except that they are made to embrace the time between the 1st of March, 1844, and the 30th of August, 1844, (the date of the fire,) and are designed to show the business operations of the prison during that period, and its financial condition on that day.

“Exhibit G is an aggregate estimate of the loss sustained by the fire, a detailed statement of which was submitted to the Governor soon after the occurrence; and exhibit H contains sundry tables, showing the ages, education, nativity, term of sentence, &c., &c., of the present inmates of the prison.

“At your instance, I have not taken into consideration the stock, &c., received from the late keeper, except the amount which had been used and disposed of by the institution.

The whole amount, as estimated by Messrs. Apperson & Bullock, and which stands charged to the penitentiary upon its books, is	\$30,452 08
Of which has been used by the present keepers, as stated in exhibit (B).....	699 72
Leaving an amount unnoticed in this report, of.....	<u>\$29,752 36</u>

“All of which is respectfully submitted.

“CHAS. S. WALLER, Clerk Penitentiary.”

(A.)

A Statement showing the expenditures of the Prison from the 1st day of March, 1844, to the 1st day of December, 1844, viz:

For raw materials, hemp, lumber, iron, leather, &c., &c.....	\$14,252 30
For fuel: Wood and coal for engine, blacksmith's shop, kitchen, &c.....	1,089 87
For provisions: For victualing convicts.....	3,902 09
For liberation money: Cash paid to prisoners on liberation, \$5 each, as per law....	285 00
Amount carried forward.....	<u>\$19,529 26</u>

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Amount brought forward.....	\$19,529 26
For prisoners' clothing	497 22
For tools and implements of trade	444 10
For escaped convicts: Rewards and expenses incident to arrest and return of escaped convicts	215 92
For postage: Letters sent and received, relating to business of the institution....	10 61
For rent: Ground back of prison, used as a garden.....	10 00
For salaries: Officers and guards	1,904 26
For water privilege: License paid the town of Frankfort for use of water for engine.....	50 00
For the moral and religious instruction of the convicts, as directed by law	78 00
For stationery for use of office.....	53 30
For hauling: Wagons hauling hemp, stone, lumber, &c.....	438 50
For medicines and medical instruments for hospital	78 36
Total.....	\$23,309 52

Which has been discharged, as follows:

By Craig & Henry, advanced for institution.....	4,566 90
By cash received for the sale of bagging and rope	14,310 47
By cash received for the sale of articles at prison.....	817 58
By cash received for negro fees, for the safe-keeping of slaves.....	320 00
By barter: Manufactured articles given in exchange	3,294 57
	\$23,309 52

(B.)

A Statement showing the entire net earnings of the Prison from the 1st day of March, 1844, to the 1st day of December, 1844, viz:

Accounts against various individuals, as per ledger.....	\$6,007 79
Accounts against the Commonwealth.....	21 00
An account for the erection of new work-shops, examined and approved by building commissioners, and subject to the inspection of the Legislature.....	5,668 95
An account for the erection of temporary work-shops, (immediately after fire,) also subject to the inspection and approval of the Legislature.....	870 42
Bagging and rope in hands of commission merchants, estimated as follows:	
64,896 yards bagging, at 10½ cents	\$6,814 08
73,002 lbs. rope, at 3 cents	2,190 06
Making	9,004 14
Raw materials and manufactured articles on hand, (exclusive of old stock received from the late keeper).....	7,007 75
Making and repairing tools after fire	1,115 50
Cash received for the sale of articles at prison, and paid out for raw materials, &c., as per exhibit (A)	817 58
Cash received for bagging and rope, as per exhibit (A)	14,310 47
Articles manufactured and bartered for raw materials, &c., as per exhibit (A)....	3,294 57
Raw materials and manufactured articles, purchased and manufactured by the present keepers, estimated to have been consumed by the fire	5,370 63
Total.....	\$53,488 80
From which deduct amount paid for raw materials, as per exhibit (A)	\$14,252 30
Also deduct estimated amount of accounts against institution for raw materials, and not rendered	4,100 00
Also deduct old stock, (received from the late keeper,) sold and used, to-wit:	
Manufactured articles.....	\$348 02
Raw materials	351 70
	699 72
Making	19,052 02
Shows the net earnings, from the 1st day of March, 1844, to the 1st day of December, 1844, to have been	\$34,436 78

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(C.)

A Statement showing the assets and liabilities of the Prison on the 1st day of December, 1844, viz:

ASSETS.	
Accounts against sundry individuals, as per exhibit (B)	\$6,007 00
Accounts against the Commonwealth	21 00
An account for the erection of new work-shops, examined and approved by building commissioners, and subject to the inspection of the Legislature	5,668 95
An account for the erection of temporary work-shops, (immediately after the fire,) also subject to the inspection and approval of the Legislature	870 42
Bagging and rope in hands of commission merchants at Louisville, estimated, as per exhibit (B), at	9,004 14
Raw materials and manufactured articles on hand, exclusive of old stock received from late keeper, estimated, as per exhibit (B), at	7,007 75
Making	\$28,579 26
LIABILITIES.	
To Craig & Henry, for advances made, as per exhibit (A)	\$4,566 90
To various individuals for sundries furnished institution, accounts not rendered, estimated at	5,300 00
To the officers and guards of the prison, for salaries due and undrawn	768 29
To amount of old stock received from the late keeper, used and sold, as per exhibit (B)	699 72
Making	11,334 91
Shows a balance in favor of the institution, on the 1st day of December, 1844, of	<u>\$17,244 35</u>

(D.)

A Statement showing the expenditures of the Prison from the 1st day of March, 1844, to the 30th day of August, 1844, the date of the fire, viz:

For raw materials: Hemp, lumber, iron, leather, &c., &c.	\$11,600 56
For provisions: For victualing prisoners	1,449 86
For liberation money: Cash paid to prisoners on liberation, \$5 each, as directed by law	150 00
For prisoners' clothing	165 95
For tools and implements of trade	240 17
For escaped convicts: Rewards and expenses incident to arrest and return of escaped convicts	137 80
For postage: Letters sent and received relating to business of the institution	7 76
For fuel: Wood and coal for engine, blacksmith's shop, kitchen, &c., &c.	1,047 87
For water privilege: License paid the town of Frankfort for use of water for engine	50 00
For stationery for use of office	50 90
For salaries: Officers and guards	1,185 63
For rent of ground back of prison, used as a garden	10 00
For moral and religious instruction of prisoners, as directed by law	78 00
Total	<u>\$16,193 90</u>

Which was discharged as follows:

By Craig & Henry, advanced for institution	\$12,892 89
By cash received for the sale of articles	488 36
By cash received for negro fees, for the safe-keeping of slaves	21 00
By barter: Manufactured articles given in exchange	2,791 65
Making, as above	<u>\$16,193 90</u>

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(E.)

A Statement showing the entire net earnings of the Prison from the 1st day of March, 1844, to the 30th day of August, 1844, the date of the fire, viz:

Accounts against various individuals, as per ledger.....	\$5,441 14	
Accounts against the Commonwealth.....	7 00	
Cash on hand, as per cash book.....	6 16	
Bagging and rope in Louisville, which has since sold for.....	14,310 47	
Bagging and rope not yet sold, estimated to be worth as follows, viz:		
64,896 yards bagging, at 10½ cents.....	\$6,814 08	
73,002 lbs. rope, at 3 cents.....	2,190 06	
		9,004 14
Raw materials and manufactured articles on hand, exclusive of old stock received from late keeper, to-wit:		
Amount estimated to have been consumed by the fire.....	\$5,370 63	
Amount estimated to have been saved.....	4,655 00	
		10,025 63
Cash received for manufactured articles and paid out for sundries, as per exhibit (D)		488 36
Manufactured articles bartered for sundries, as per exhibit (D).....		2,791 65
Making.....		\$42,074 55
From which deduct cost of raw materials, as per exhibit (D).....	\$11,600 56	
Also deduct estimated amount of accounts against institution for raw materials, not rendered.....	2,250 00	
Also, old stock received from the late keeper, sold and used viz:		
Raw materials.....	\$351 70	
Manufactured articles.....	308 02	
		659 72
		14,510 28
Shows the net earnings, from the 1st of March, 1844, to the 30th of August, 1844, to have been.....		<u>\$27,564 27</u>

(F.)

A Statement showing the assets and liabilities of the Prison on the 30th day of August, 1844, the date of the fire, viz:

ASSETS.		
Accounts against sundry individuals, as per exhibit (E).....	\$5,441 14	
Accounts against the Commonwealth.....	7 00	
Cash on hand.....	6 16	
Bagging and rope in Louisville, which has since sold for.....	14,310 47	
Bagging and rope yet unsold, estimated, as per exhibit (E), at.....	9,004 14	
Estimated value of raw materials and manufactured articles on hand, exclusive of old stock received from the late keeper, as per exhibit (E).....	10,025 63	
Making.....		\$38,794 54
LIABILITIES.		
To Craig & Henry, for advances made, as per exhibit (D).....	\$12,892 89	
To various individuals, for sundries furnished institution, accounts not rendered, estimated at.....	3,500 00	
To the officers and guards of prison, for salaries due and undrawn...	625 28	
For amount of old stock received from the late keeper, used and sold, to-wit:		
Raw materials.....	\$351 70	
Manufactured articles.....	308 02	
		659 72
Total liabilities.....		\$17,677 89
Showing a balance in favor of the institution, on the 30th day of August, 1844, of		<u>\$21,116 65</u>

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(G.)

A Statement showing the amount of loss sustained by the Penitentiary in consequence of the fire within its walls, on the 30th August, 1844, viz:

Stock purchased and manufactured by the present keepers.....	\$5,370 63
Tools, &c., purchased by the present keepers.....	488 97
Machinery purchased by the present keepers	534 62
Making	\$6,394 22
Stock which had been received from the late keeper	\$10,565 87
Tools, &c., which had been received from the late keeper.....	3,275 88
Machinery which had been received from the late keeper	2,120 00
Making	15,961 75
Total loss estimated to have been sustained by the penitentiary, except the build-ings.....	\$22,355 97

NOTE—The above estimate was made out in detail, and submitted to the Governor soon after the occurrence.

(H.)

The following tables are given to show the number of inmates, their crimes, sentences, number of convictions, nativity, education, ages, &c., &c., viz:

Number of prisoners in confinement on the 1st day of March, 1844	169
Received into the prison from the 1st day of March, 1844, to the 1st day of December, 1844	41
Making.....	210
The number discharged during the same time is as follows:	
By expiration of sentence.....	24
By pardon of Governor Letcher	13
By restoration to the rights of citizenship, by pardon of Governor Letcher, on the day previous to the time when sentence would have expired.....	8
By pardon of Governor Owsley	6
By restoration to the rights of citizenship, by pardon of Governor Owsley, one day previous to expiration of sentence	5
By pardon of President of the United States	1
Killed by guard in attempting to escape	1
Escaped	1
Making	59
Leaving in confinement on the 1st day of December, 1844.....	151
Of the above number, there are—	
White males	135
Colored males.....	16
Total	151

COUNTIES SENT FROM.

Barren	3
Boone.....	2
Bullitt.....	2
Breckinridge	2
Clay	1
Christian	1
Caldwell.....	1
Carroll	3
Daviess	1
Estill	1
Amount carried forward	17

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Amount brought forward	17
Franklin	1
Fayette	2
Green	1
Garrard	1
Grayson	1
Greenup	1
Hardin	1
Hickman	4
Henry	1
Henderson	2
Hopkins	1
Hancock	1
Jefferson	76
Jessamine	3
Knox	1
Kenton	9
Logan	3
Livingston	2
Mason	3
Mercer	1
McCracken	3
Marshall	1
Morgan	1
Nelson	1
Ohio	1
Oldham	1
Pulaski	1
Pendleton	9
Shelby	1
Simpson	1
Todd	1
Washington	2
Whitley	1
United States Court	2
Total	151

NUMBER OF CONVICTIONS.

Sixth conviction to this prison	2
Second conviction to this prison	22
First conviction to this prison	127
Total	151

CRIMES.

Larceny	48
Felony, (see note)	27
Horse stealing	23
Manslaughter	10
Passing counterfeit money	10
Forgery	3
Burglary	8
Assisting slaves to run away	6
Robbery	4
Counterfeiting	3
Arson	2
Mail robbery	2
Attempt to kill	2
Bigamy	1
Rape	1
Murder	1
Total	151

NOTE.—Many of the clerks, in making out the record of commitment, fail to specify the crime of the convict, but place it under the general head of "felony," thus rendering it impossible for the keepers to designate the crime.

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TERM OF SENTENCE.

For 3 years	35
For 4 years	27
For 2 years	25
For 10 years	14
For 5 years	11
For 7 years	9
For 6 years	7
For 8 years	5
For 1 year	4
For 40 years	3
For 3 years and 6 months	1
For 2 years and 1½ months	2
For 1 year and 3 months	1
For 2 years and 2 months	1
For 9 years	1
For 2 years and 6 months	2
For 1 year and 6 months	1
For 4 years and 6 months	1
For 5 years and 6 months	1
Total	<u>151</u>

NATIVITY.

Kentucky	32
Pennsylvania	24
Virginia	17
Ireland	8
New York	11
North Carolina	7
Tennessee	6
Ohio	5
England	5
Maryland	5
District Columbia	3
Vermont	3
Scotland	3
France	2
Indiana	2
South Carolina	2
Germany	2
West Indies	2
Africa	2
Sweden	2
Arkansas	1
Georgia	1
Maine	1
Mexico	1
New Jersey	1
Louisiana	1
Missouri	1
Alabama	1
Total	<u>151</u>

EDUCATION.

Superior, or those who have a classical or scientific education	4
Good, or those who have had the benefit of a general English education	13
Common, or those who can read, write, and cypher	52
Poor, or those who can only spell and read	40
None, or those who are entirely destitute of education	42
Total	<u>151</u>

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AGES.	
From 15 to 20 years	17
From 20 to 30 years	78
From 30 to 40 years	33
From 40 to 50 years	10
From 50 to 60 years	12
From 60 to 70 years	1
Total	<u>151</u>

CHAS. S. WALLER, *Clerk Ky. Penit'y.*

OFFICE KENTUCKY PENITENTIARY, Dec. 10, 1844.

"We presume that the foregoing report will satisfactorily exhibit the present financial condition of the institution, as well as its business operations during the period which it embraces; but should you desire further information upon the subject, it can be readily furnished you.

"The burning of the penitentiary happened on the 30th of August last. On its extent, we will only remark that it included every building within the prison inclosure, except the offices, cells, and meat-house.

"It is a source of sincere gratification to the keepers to exempt every one officially connected with the penitentiary from all blame in the premises. The strictest rules are in force within the prison for the prevention of fire. Every convict is required, on pain of condign punishment, to extinguish his fire on quitting his work, at the close of the appointed laboring hours. They are then conducted to their place of confinement for the night; after which, (the fire bell having rung,) it is the business of all the officers to turn out and *search for fire*.

"This duty was performed on the evening in question. In fact, it is never omitted. No evidences were found of the dangers in which we were afterwards involved. It will be asked here, how the disaster occurred? We have no certain means of knowing. The burning originated in a part of the penitentiary buildings untenanted at the time, and in which there had been no fire for prison uses. None was seen at the time of the *search*. We are at a loss to conjecture its origin, unless by a *slow match*. This suspicion derives force from previous timely detections of similar attempts, with like means heretofore made, both during the administration of the present keepers as well as that of their predecessors. It is due to ourselves that this matter should have the amplest investigation; it is due to the State, because the occurrence has led to expenditures for new buildings, &c., remuneration for which may, and should be, not independent of the causes which have made them necessary. We invoke at your hands a committee, with the fullest authority to investigate the whole matter. We have sedulously endeavored to place ourselves on proper grounds with reference to the necessities into which we found ourselves precipitated by the emergencies resulting from the fire.

"By the 21st section of the act heretofore alluded to, it is provided 'that the keeper of the penitentiary shall not be permitted to make any other

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improvements thereon, unless directed by law.' A question, (not of law,) but of necessity and duty to the State, and fraught with great moment in reference to its ultimate consequences to ourselves, was here to be decided and acted upon, and that at our own peculiar and personal risk. With 170 convicts, the most of whom were devoted to employments requiring work-shops for the prosecution of their labor—without houses for their shelter or mechanical implements with which to pursue their vocations—an equal tax, whether idle or employed—absolutely requiring constant and systematic employment for their moral and physical well-being; in their then condition profitless to the State and a dead weight to the keepers, but capable of being speedily returned to a productive industry, alike advantageous to the State and keepers—it was to be determined whether the keepers should assume the heavy personal responsibility, without legal warrant, in view of such exigencies, of attempting to retrieve the disasters of the fire, by replacing the buildings, or sticking to the law, quietly awaiting the meeting of the Legislature, (in mid-winter,) when the action of that body itself must of needs be controlled by a necessity which gave it no discretion.

"The keepers could hardly be supposed to hesitate in determining upon the proper course, or having determined, to falter in its execution.

"Convinced of their true position and duties, they yet determined to take no decisive measures without some higher sanction than their own judgments. They accordingly sought advice from the Governor of your State. To this application they received for answer, that no *law* was known to the Executive authorizing the erection of new buildings in the prison, unless upon the responsibility of the keepers. Of course the Executive had not the power to direct them, but that the emergencies of the occasion required the keepers to incur the risk. Corresponding with these advices were the concurrent opinions of other high functionaries, as well as private citizens.

"The undersigned, therefore, engaged in the work, and have freely devoted their time and labor, and means and credit to its advancement. They thought proper, however, before doing so, to ask of the Governor the appointment of a committee, consisting of gentlemen of experience and integrity, to supervise the improvements. This request was readily granted, and their knowledge and opinions are fair objects for the future information of your body.

"The keepers now report that they have erected, and have in rapid progress of completion, a brick building 220 feet long and 40 feet wide, two stories high, with an attic, (having end and sky lights,) suitable for a rope and bagging manufactory, at an aggregate cost of \$5,668 95. The building is of substantial workmanship, and much better secured from liability to accidental combustion than the old building it has replaced. A bill of costs, containing all the items entering into the improvement, has been

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furnished his Excellency, the Governor, which is of course open to your inspection.

"The keepers ask a committee to investigate this whole affair, and repose their claim to remuneration upon your justice.

"Additional buildings will be required, drawings of the plans of which have been furnished the Executive, at his request. It is for you to say whether they shall be executed.

"In connection with this subject, the undersigned beg leave to report that the mill-stones and steam engine formerly in use in the prison were so injured by the fire as to require each of them to be substituted with a new article, *which has been done*, and they will soon be in active use for their respective purposes.

"By the 18th section of the act under which this report is made, it is provided 'that the Auditor, Treasurer, Register, and Attorney General be, and they are hereby, appointed a board of visitors, whose duty it shall be to visit the penitentiary as often as they may deem proper, and at least once in each month, and make examination of the state of the institution, the health of the convicts, the manner of dieting them, the cleanliness of the cells, and the treatment of the convicts generally, and make such report to the Legislature as the condition of the institution may require.'

"It is presumed that the board of visitors will furnish the Legislature with a report on the several matters committed to their care by the foregoing section, and under that supposition the keepers have thought proper to omit a report on this branch of the prison economy. They have thought proper, however, to embody in their report copies of their prison rules, which will give the Legislature some insight into the plan of conducting its internal government. These rules will be found in the three following papers herewith submitted, marked I, J, and K.

(I.)

Rules to be observed by the Officers of the Kentucky Penitentiary.

"The assistant keepers are required to be at the prison room soon after the ringing of the morning bell, where their undivided attention must be given to business during the whole of each day.

"They are to see that the rules for the officers, guards, and prisoners are strictly adhered to in every particular, and report to the keeper every violation of the same.

"When any of the rules to be observed by the prisoners have been violated by them, and the assistant keepers shall be of opinion that it is necessary that corporeal punishment shall be inflicted, the prisoner so offending must be committed to the dark cell till the co-operation of the keeper can be conveniently had, as the inflicting of corporeal punishment by an assistant, without the advice of the keeper, is positively forbidden.

"They are to be cautious not to receive any article of provision, mate-

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rial, or other commodity, for the use of the institution, but such as is merchantable; nor are they to permit any manufactured article to be sold which is in any way defective, without first apprising the purchaser of the same.

"They are called upon to practice that, by way of example, which they are required by precept to enforce.

"They are required to be constantly on the alert during business hours, and particularly from bell-ringing in the morning till breakfast is over, and from one hour by sun in the evening till locking up is completed, and after the search of the yard is thoroughly made; during such times they are required to be constantly moving and on the look-out.

"Their whole attention being required in the yard, they are not to visit the office unless called there on business; and the reading of newspapers, and all other documents not on business connected with the interests of the institution, must not be indulged in, nor are they to suffer such things to come into the yard without the consent of the keeper.

"Strict morality, much deliberation, and, in short, the perfect gentleman, must be acted out by the assistant keepers, not only in their dealings with the community generally, but particularly in all their dealings with and treatment towards the unfortunate prisoners, whose destiny, to some extent at least, is in their hands."

(J.)

Rules to be observed by the Guard of the Kentucky Penitentiary.

"1. At the ringing of the morning bell, the guard who served the first tour the preceding evening will immediately repair to the office, where he will remain till the morning guard comes to his aid, and to them two is committed the care of the office till breakfast.

"2. All the other duties which the guard are required to perform must be done alternately; nor are they to absent themselves from the office without leave of the warden, unless sent on business of the institution.

"3. They are to hold no unnecessary conversation with any of the convicts, nor allow themselves to indulge in an interview with any of them, unless it is on business connected with the interests of the institution.

"4. They are required to conform strictly to all the rules of the prison. They are to avoid whistling, scuffling, loud laughter, and all other acts of an undignified character; and in all their intercourse with each other, it is hoped they will exercise mutual respect and kindness, cultivating a desire to exalt the character and promote the general welfare of the institution.

"5. The deportment of the guard towards the convicts, in all respects, should be manly and dignified, in order not only to inspire the convicts with respect towards them, but also to set the example of good order and decorum.

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“They are not to indulge any petulence or ill-feeling towards each other, nor indulge in levity of any kind; and they are required to avoid the use of profane and vulgar language, not only in the presence of the prisoners and about the prison, but also in their whole deportment elsewhere, while they are in the employ of the warden of the Kentucky prison as guard.

“7. They should never suffer a convict to approach them but in the most respectful manner; nor should they countenance the least degree of familiarity with, nor exercise any towards them; and, finally, they should be extremely careful to command as well as compel their respect.

“8. They are not to suffer any stranger or other person (except such as are authorized by law) to hold any conversation with or speak to any prisoner, without the consent of the warden; nor are they to suffer any paper, letter, or writing of any kind, to pass in or out of the prison, without the inspection or knowledge of the warden.

“9. When any person desiring work done visits the institution, the guard must invariably conduct them to the assistant keeper, to whom they will make their business known; and the guard so conducting them must remain with them, and so soon as their wishes are made known, conduct them to the office; and in no case must they be left in the yard without a guard being with them.

“10. Should persons visiting the institution offer any insult to a prisoner, or behave indecorously or ungentlemanly in any way inside the prison, the guard accompanying such person will immediately (but respectfully) require them to leave the prison; and if they refuse to go, information must forthwith be given to the keeper or assistant, who will, in all cases, see that good order is maintained.

“11. The warden fondly cherishes the hope that the foregoing rules will be strictly adhered to and promptly maintained, as the prosperity of the institution very much depends upon the faithfulness, vigilance, and promptness of the guard.

CRAIG & HENRY.”

(K.)

Prison Rules.

“At the ringing of the first bell, at daylight, the prisoners will rise, dress themselves, put in order their rooms, and be in readiness for business.

“At the second ringing, the cell doors will be thrown open, each prisoner will then station himself at his cell door, observing profound silence.

“At the third ringing, each prisoner will proceed, in haste, to his appointed place of labor, where he will first wash himself, and then proceed, without delay, to business, where the following rules are to be strictly observed:

“All conversation, except on business of the yard, is strictly prohibited.

“When persons visiting the institution on business or otherwise, shall

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speak to a prisoner, he is not to reply without permission from an officer of the institution.

“Every man is required to remain in his place, nor is he permitted to leave for materials, water, or under any pretence, save to the privy, but must ring the bell for the waiter or foreman, who will, in all cases, provide for his wants.

“Gazing on persons passing is strictly forbidden.

“At the first ringing of the bell at meal time, such as have irons in the fire, machinery running, &c., will make preparation to leave.

“At the second ringing, each shop will form themselves into a line of double file, the foreman, in all cases, in the rear, and proceed to the table in order and in silence, where each one will take his station near his plate.

“When the table bell is rung, all will take their seats, and commence eating in silence.

“When bread is wanted, the hand must be held up.

“When meat, the knife.

“When vegetables, the fork.

“When water, coffee, or milk, (when we have them,) the cup.

“When soup is wanted, the spoon must be held up.

“When any sign is made, and not noticed, the knife, &c., may be rattled on the table and held up again.

“When the table bell is rung the second time, all will rise at the same time, and return to their places of business in the same order as when they came.

“At the first ringing of the bell for locking up at night, the firemen at the engine, the blacksmiths, and foremen of shops, will hasten to put out all the fires, and prepare to leave.

“At the second ringing, the line of march will be formed in the same manner as when going to meals, and all will proceed forthwith to the cell door, where they will form two columns of double file in complete order, observing profound silence, when the roll will be called.

“When the token is given for entering the cells, each prisoner will retire to his own cell, and he is strictly forbidden from entering any other cell than his own.

“All conversation in the cells is positively forbidden.

“Strict morality is required of all, and every species of profaneness, obscenity, or insult to one another, positively forbidden.

“The foremen are required to report the disorderly of their respective shops.

“It is recommended to all to cherish a spirit of kindness and forbearance towards one another. Each one should strive to better his own condition, and the condition of others, by an upright deportment and a strict observance of the foregoing rules. Let each one for himself determine to

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reform his life and be a better man, as peace and happiness are found only in the paths of rectitude. CRAIG & HENRY."

"It is not supposed but that there are many subjects omitted in this report that might present an individual interest to different members of the two houses; many such are passed over in silence, under the belief that they are not strictly appropriate for an annual report. There are many matters connected with the prison economy and arrangements which would be interesting to your members, and a personal visit at your leisure hours might be rewarded by various subjects of interesting inquiry and observation, to be found within the prison walls. The members of both houses are respectfully invited to visit us whenever their engagements will suffer it. Every officer in the prison will take pleasure in contributing to their information in any branch of the business or administration of the institution they may desire.

"All of which is respectfully submitted.

"CRAIG & HENRY,
"Agents and Keepers Ky. Penitentiary."

"REPORT OF THE PHYSICIANS TO THE KENTUCKY PENITENTIARY.

"FRANKFORT, January 1, 1845.

"The undersigned entered upon the duties of physicians to the Kentucky penitentiary on the first of March last, and have acted in that capacity up to the present time. The accompanying tabular statement exhibits the condition of the convicts in the institution, so far as relates to health and disease, during the last ten months, the number of cases admitted, and the particular disease of each convict admitted into the hospital.

"It will be perceived that no death has occurred during the time, though a large number of cases, and many of them of a violent character, have been treated. No epidemic of a violent character has prevailed during the year. Many of the convicts have had, and some few are now attacked with mumps, (Parotitis,) but the disease has been so mild in its character that but slight suffering has been experienced, and little time lost.

"An accident of a serious character, and which was near resulting in the death of one of the prisoners, occurred on the — day of June last. The prisoner was engaged at the calender, when, by accident or carelessness, his left arm was caught, and so extensively injured as to require immediate amputation. His right arm was also seriously injured, but ultimately recovered. He had a speedy recovery, and was shortly afterwards pardoned, and left the institution.

"The prisoner laboring under hemiplegia, the one with paraplegia, and the one with scrofula, were all pardoned out, and left the prison in an incurable state.

"The individual who had secondary syphilis when admitted, is still in

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the hospital, and though greatly improved, is still unable to perform manual labor of any kind.

	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Deaths.	Total.
Asthma.....	1	1										2
Bronchitis.....			1		1							2
Constipation.....	2	7	4			2						16
Cardalgia.....	2		1									3
Cholera morbus.....			1	1		1						3
Diarrhea.....		1		14	3	3	2	3				26
Dysentery.....	1		3	3	1	2			1			11
Epistaxis.....				1					1			2
Fistula in ano.....										1		1
Fractures.....				1								1
Gonorrhea.....		2										2
Gastritis.....	1			3	1	1			1			6
Hemiplegia.....	1											1
Hæmorrhoids.....	1		1				1			1		4
Intermittent fever.....	1	1				2	5	4	1	1		15
Dislocations.....	1	1				1						3
Ophthalmia.....		1	1	1	2	1		1	1			8
Pariplegia.....	1											1
Phymosis.....				1								1
Parotitis.....								1	14	7		22
Pneumonia.....	2		1	3	1							7
Pleuritis.....	1	1	2	2								6
Remittent fever.....			1	4	1	3	2					11
Continued fever.....				1	2	4	1	1				9
Rheumatism.....	1		5	5	1	5	2	2	2	2		25
Syphilis.....	1											1
Scrofula.....	1											1
Incised wounds.....						2			2	1		5
	18	15	21	40	13	27	13	12	23	14		196

"Of the foregoing, thirty-three were laboring under disease when admitted into the prison, viz: Gonorrhea 2; hæmorrhoids 3; ophthalmia 6; phymosis 1; rheumatism 19; primary syphilis 1; secondary syphilis 1—total 33.

"The undersigned cannot close this communication without bearing testimony to the humane manner in which the prisoners have been treated by the keepers. We have heard no complaint of over-tasking; nor have we heard of a single instance of a convict being deprived of any thing necessary to promote his comfort while sick, or when in health, to enable him to perform his daily labor.

"A large number of the convicts sent to this institution are men who have been regular drinkers, or confirmed drunkards, and consequently enter the prison with constitutions so much impaired by disease and dissipation that they require more or less medical treatment before they are in a condition for manual labor.

W. C. SNEED,

"LEWIS SNEED,

"Physicians Kentucky Prison."

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The loss sustained by the fire was very large, almost every thing in the institution, of a perishable nature, being burned, or greatly damaged.

The following document, prepared by the clerk and addressed to Gov. Owsley, will more fully explain the extent of the loss and damages:

"OFFICE KENTUCKY PENITENTIARY,
"Frankfort, October 12, 1844. }

"TO HIS EXCELLENCY, *Chairman Committee Sinking Fund*:

"SIR: Inclosed you have our estimate of the loss sustained by this institution in consequence of the late fire within its walls.

"You will notice that nearly all the manufactured articles and raw materials received from the late keeper were destroyed, but very few of them being sold or used by the present keepers previous to the fire, which alone is attributed to the fact that they felt themselves aggrieved in the valuation of these articles, and preferred that the whole should remain untouched, for the inspection of a committee of the Legislature; and such as were used, (which will be seen in the estimate,) they expected to replace.

"I have made two estimates of the loss in these articles—the first by the valuation of Messrs. Apperson and Bullock, and the other by the valuation of Messrs. Glover, Needham, Scott, Dudley, Shannon, &c.—which, you will perceive, make a wide difference in the aggregate.

"I have done this, that you might have all the facts in my possession, and draw your conclusions therefrom as to the true amount of loss to the institution.

"There is a great quantity of old iron, the remains of the machinery and tools, which we have not estimated at any price; nor can we, until it is weighed, shipped, and sold, tell anything about its value. I have been governed, in making out this estimate, entirely by the information furnished me by the keepers, but believe it is strictly correct, or as nearly so as can be arrived at, under the circumstances.

"CHAS. S. WALLER, *Clerk Ky. Penit'y.*"

An estimate of the loss sustained by the Penitentiary at the fire within its walls on the 30th August, 1844.

NEW STOCK MANUFACTURED AND FURNISHED BY CRAIG & HENRY.

Hemp department: Total, (items omitted)	\$2,429 40
Wood shop: Total	768 38
Blacksmith shop: Total	356 00
Harness shop: Total	727 76
Paint shop: Total	352 42
Shoe shop: Total	356 25
Tailor's shop	5 00
Stone shop: Total	80 00
Kitchen: Total	102 19
Lumber: Total	193 29

TOOLS AND IMPLEMENTS OF TRADE.

Wood shop: Total	153 40
Stone shop: Total	27 50
Wash-house—prisoners' clothing: Total	175 24

Amount carried forward..... \$5,771 27

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Amount brought forward.....	\$5,771 27
Kitchen: Total.....	88 33
Machinery.....	534 62
<hr/>	
Total loss in raw materials, manufactured articles, tools, and machinery manufactured and furnished by the present keepers.....	\$6,394 22

After furnishing a long list of articles destroyed in the various shops, most of them the articles, &c., valued by Apperson & Bullock, the clerk gives a grand recapitulation of the whole loss, as follows:

Stock, tools, and machinery, manufactured and furnished by the present keepers, to-wit:

Stock.....	\$5,370 63
Tools, &c.	488 97
Machinery.....	534 62
<hr/>	
Total.....	\$6,394 22

Stock, tools, and machinery received from the late keeper, to-wit:

Stock.....	\$10,565 87
Tools, &c.....	3,275 88
Machinery.....	2,120 00
<hr/>	
Total.....	15,961 75

Total loss sustained by the penitentiary in consequence of the late fire, except the buildings.....	\$22,355 97
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The foregoing estimate was made by Messrs. Apperson and Bullock's valuation of the stock, tools, and machinery received from the late keeper

Estimate by Messrs. Glover, Needham, Scott, Dudley & Co.'s valuation.

Loss in raw materials and manufactured articles received from the late keeper:	
Total.....	\$4,622 70
Tools and implements of trade: Total.....	1,584 41
In machinery.....	1,300 50
<hr/>	
Total loss in stock, tools, and machinery, received from the late keeper, estimating by Glover & Co.'s valuation.....	\$7,587 61
Add the loss in stock, tools, and machinery manufactured and furnished by the present keepers.....	6,394 22
<hr/>	
Makes a total loss to the institution by the late fire, leaving out the buildings, of	\$13,981 83

CHAS. S. WALLER, *Clerk Ky. Penit'y.*

Immediately after the burning of the buildings within the walls of the penitentiary, the keepers, with the advice and consent of the Governor and the commissioners of the sinking fund, proceeded with all possible dispatch to erect, in the first place, temporary buildings, and afterwards those of a more permanent character. The temporary buildings cost, when finished, \$870 00.

The total cost of the work-shops erected during this year was \$5,688 95.

At the next meeting of the Legislature, a committee was appointed with reference to the burning of the institution and the difficulty of settling with the late keeper, &c. The following is their report:

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January 27, 1845. "The committee to whom was referred so much of the Governor's message as relates to the penitentiary, its partial destruction by fire, and the unsettled accounts of the late keeper and the Commonwealth, proceeded to investigate these subjects, and submit the following report:

"The late keeper was appointed under the act approved February 14, 1839, entitled 'An act prescribing the duties of keeper and clerk of the penitentiary,' by which act the mode of settlement for a former term with said keeper was prescribed. The State, in said act, agreed to furnish as capital, to be loaned to said keeper, \$25,000, (if there was so much on hand belonging to the Commonwealth,) 'out of the raw materials, stock, manufactured articles, debts, and effects of the penitentiary, as a fund for the more efficient and profitable management of the penitentiary, and shall be loaned to the keeper to be appointed under this act for and during the time he may be in office, at an interest of six per centum per annum, to be paid by the keeper semi-annually to the commissioners of the sinking fund.'

"The fourth section of the above named act provides 'that said keeper shall pay the principal sum for the raw materials, stock, manufactured articles, debts, and effects, which he shall receive from and receipt to the commissioners of the sinking fund for, whenever he shall cease to be keeper, or leave in the penitentiary an equal amount of raw materials, stock, and *saleable manufactured articles at a fair cash wholesale price*, after settling and paying the State that part of the profits which shall be coming to the Commonwealth under the provisions of this act; he shall also pay to the Commonwealth the principal sum for the tools and implements of trade which he shall receive and receipt for, or leave for the Commonwealth tools and implements of trade of an equal *wholesale cash* value, when he ceases to be keeper; and he shall pay to the Commonwealth the principal sum for the machinery which he shall receive and receipt for when he ceases to be keeper, or leave for the Commonwealth machinery fit for the use of the institution of equal wholesale value, &c., &c.'

"The sixth section of said act also provides 'that the said keeper shall be at liberty to erect in said institution, at joint expense, such additional machinery as he may deem best calculated to promote the interest of the institution: *Provided*, He shall first obtain the approbation of the commissioners of the sinking fund: *And provided, also*, That all machinery so erected shall, at the expiration of the time said keeper may continue in office, be the sole property of the State.'

"The ninth section of said act also provides 'that before the keeper shall enter upon the discharge of the duties of the office, he shall take the following oath: 'I do solemnly swear that I will faithfully and impartially discharge the duties of keeper of the penitentiary according to law.' And the said keeper shall also enter into bond, in the office of the Secretary of

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State, with five or more sureties, to be approved by the Governor, in the penalty of fifty thousand dollars, payable to the Commonwealth of Kentucky, conditioned that he will faithfully perform the duties of keeper according to law, and perform all the duties imposed by this act, and refund to the Commonwealth the full amount to which the raw materials, stock, and manufactured articles now on hand may be valued, and for which he is required to give a receipt, under the third section of this act, payable semi-annually; the principal to be paid at the expiration of his term of service; and that he shall account for all tools, implements of trade, and machinery, as required by this act, and pay to the commissioners of the sinking fund, at the close of each year, as provided in the fourth section, such proportion of the profits as may be due to the State, which bond shall be filed with the Auditor, and may be sued upon on behalf of the Commonwealth as often as the conditions thereof are violated.'

"The committee have given such extracts of the law as they deem necessary to a proper understanding of their report upon the various subjects submitted to them. They will remark, however, that there is no provision in the act before referred to in regard to a settlement with the keeper—no contract as to the manner and by whom a settlement was to be made, but the whole subject is left open for the future action and agreement of the contracting parties.

"Mr. Theobald, the late keeper, took the oath required by law, and entered into bond, which was approved, and he received from the State the loan of \$25,000 provided for in the act; also, the tools, implements, and machinery belonging to the State, amounting in value to the sum of \$6,176 25, and continued to manage and conduct the institution until the 1st day of March, 1844, at which time Messrs. Craig & Henry, the present keepers, came into office.

"By an act approved March 8th, 1843, entitled 'An act to provide for the final settlement with the present keeper of the penitentiary,' &c., provision was made for a settlement of the accounts of the late keeper with the State, and such part of said act as is deemed necessary to a proper understanding of their views on the subject of their inquiry, they also here quote:

"*'Be it enacted, That for the purpose of making a final settlement with the present keeper of the penitentiary up to the 1st of March, 1844, when the time for which he was appointed expires, the raw materials, stock, and manufactured articles on hand shall be valued by two disinterested persons, to be selected by the commissioners of the sinking fund, at the expiration of the present keeper's term of office; and said valuers shall take an oath before some justice of the peace, faithfully and impartially to value said property at a fair wholesale cash value, and annex the value to each article thereof, and return the same to the commissioners of the sinking fund, to be by them preserved; and said valuers shall make a complete in-*

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ventory of the tools and implements of trade in the penitentiary, and annex the value to each article, and the same shall be compared with the receipt of the keeper, for the tools and implements of trade which were on hand when he last came into office, now on file in the Auditor's office, and if the same shall fall short of the valuation made in said receipt, the keeper shall be charged with the deficiency; and if they exceed the valuation in said receipt, the keeper shall be credited with one half of the excess. And it shall be the duty of the commissioners of the sinking fund, and they are hereby authorized to settle with the present keeper, and to divide the raw material, stock, manufactured articles, debts, and effects belonging to the penitentiary, in which the keeper and Commonwealth are jointly interested, in such manner as to provide for the payment of the debts and the return of the \$25,000, with interest, which was advanced to the present keeper when he was last appointed keeper, and to divide the profits equally between the Commonwealth and the said keeper, in accordance with the law under which he became keeper; said valuers shall also make an inventory of the machinery now on hand, and annex the value to each article, with the view of being handed over to the new keepers.'

"Under the provisions of the last mentioned act, the commissioners of the sinking fund appointed Messrs. Apperson & Bullock appraisers by the following order of their board:

"*Ordered*, That Richard Apperson and James M. Bullock be, and they are hereby, appointed to *settle* with the present keeper of the penitentiary, in pursuance to the first section of the act of March 8th, 1843, &c.'

"It will be perceived that the order making the appointment does not direct the nature of the duties to be performed by said appraisers, neither does it appear to the committee that the oath taken by said appraisers conforms to the one prescribed by the law.

"The appraisers were appointed before the time specified in the act—and the testimony showed to us that they performed the larger portion of the valuations and inventory before the 1st of March, 1844—the time they should have been appointed, and when it was contemplated they should enter upon the discharge of their duties.

"The committee are well satisfied that these appraisers, (Messrs. Apperson and Bullock,) though gentlemen of high standing and general intelligence, were personally unacquainted with and unqualified to judge the wholesale cash value of the property in the penitentiary; and it was doubtless the expectation of the commissioners of the sinking fund that they (Messrs. Apperson and Bullock) would make up their deficiency in knowledge and experience of the value of these articles by aid of the testimony of practical and experienced men in the various trades which had been pursued in the penitentiary; but those gentlemen pursued a different course, which proved, as it will appear, injurious to the interest of the

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State, and has been the cause of much of the difficulties and embarrassments which exist in relation to this subject.

"From the testimony of Mr. Bullock, it appears that he accepted the appointment with great reluctance, as he was fully aware of his want of that kind of knowledge which would enable him to do justice to the parties; and when asked by the committee as to the plan adopted by him and Mr. Apperson to arrive at the value of articles, he says that they called upon the clerk, and examined the sale books of the penitentiary and former valuations, and sometimes they would consult the prisoners in the various shops, who seemed to be the foremen in the various branches of business, and from information thus obtained they generally fixed the value, and sometimes they would take the amount and value written on the different articles. The stone work, consisting of tombs, monuments, slabs, head and foot stones, had generally a price marked on them, and the appraisers generally set them down at the prices so marked. In estimating the stone work, he distinctly recollects that they came to a monument priced at \$1,500. This struck him as an extraordinary price, and he was unwilling to set it down at that price. Mr. Theobald was sent for, who told them it was a master-piece of work, and worth the price fixed on it. They were not, however, satisfied, and valued it at \$1,250. He said he had no judgment as to the value of this article, and was induced to fix the value as he did mainly by the representations of the late keeper. He also stated that articles were generally already weighed and measured, and when no prices were marked on them, and when invoices were called for, they were furnished, sometimes immediately, and at other times not so soon. And he further stated that after he made the valuation of the stone work in the penitentiary, he priced some stone work in Shelbyville, and from the information he obtained from the stone-cutter who made it, he became satisfied that he had valued this work too high.

"The testimony of Mr. Apperson varies only in a few particulars from that of Mr. Bullock, and we proceed to point out that difference, without giving his testimony at large. He states that there was a young man, (he thinks,) named Keene, who accompanied Mr. Bullock and himself while they were valuing the articles, and he, (young Keene,) who was an under officer in the penitentiary, had an inventory of the tools, with the prices, he thinks, affixed; and when they had any difficulty in valuing, they consulted him; they would sometimes take the prices in the inventory, and sometimes scale them. They sent for Mr. Theobald several times, to ascertain the price of articles. That he consulted the clerk about the saleableness and value of the stone work, who stated it was a saleable article, but that it would not do to peddle about; and it was from the information he derived from him that he was impressed that the stone work was of a superior quality; and this influenced him much in its valuation. He also stated that the clerk, when called on or consulted, seemed 'costive,' and gave an

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opinion with great reluctance. And Apperson & Bullock both stated that no effort, that they could perceive, was made by any one to influence them in their valuation; and they both agree that they placed a retail value on the various articles valued by them, and then deducted ten per cent. to reduce them to a wholesale price—which mode the committee deem improper, and not in accordance with the requisitions of the law. Both agree that a large lot of tools, &c., were of little or no value; but they were shown an inventory of similar articles, for which the late keeper had given a receipt in 1839, and in consequence of that they valued these articles to the State at the price mentioned in the inventory. The inventory and appraisement made out in the manner above set forth by Messrs. Apperson and Bullock, amounted to the sum of \$36,231 81.

“These appraisers, after making the inventory and appraisement as aforesaid, instead of returning it to the commissioners of the sinking fund, as directed by law, proceeded, as they state, to set apart the portion of the profits of the institution, to which the late keeper appeared entitled by their valuation and inventory. So far as this part of their action is concerned, as it was not any portion of their duty under the law, we suppose it is void.

“We would further remark, that Messrs. Craig & Henry, the new keepers, whose interests were deeply concerned in a fair and just valuation of the penitentiary property to the State, were not present at the valuation, nor were they notified to attend. They, however, knew it was going on, and Mr. Bullock was of the impression that Mr. Craig expressed, on one occasion, a desire to be present, but he thinks Mr. Apperson said to Mr. Craig that it was a matter which did not concern him, but was entirely between Mr. Theobald and the State.

“At the time the present keepers took possession of the penitentiary, they executed to the commissioners of the sinking fund their receipt for the various articles contained in the inventory and appraisement of Apperson and Bullock, but at the same time, and forming a part of the receipt, they entered their protest against the valuation and inventory. These gentlemen, at a subsequent day, to-wit: about the middle of April last, procured a revaluation of the same articles to be made, by men of experience, high character, and unquestioned skill in the various branches of business to which the various articles mentioned in said inventory belonged. The committee caused those persons to appear before them, and from their testimony, in which the committee place entire confidence, the entire property estimated to the State by Messrs. Apperson and Bullock at \$36,231 81, is valued at only the sum of \$17,297 63. The committee do not believe that the appraisers, Messrs. Apperson and Bullock, intended any thing but fairness to the State; but from their want of experience and personal knowledge of the value of the property, and the improper mode adopted by them to obtain information, the State has been greatly injured,

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and the late keeper unjustly benefited by this enormous valuation. And the committee are of the unanimous opinion that a great and unparalleled injustice would be done to the interest of the State if the property aforesaid is thrown upon it, at the enormous valuation reported by Messrs. Apperson and Bullock.

"The commissioners of the sinking fund, who were *alone* empowered by the act before mentioned to make a settlement with the late keeper, declined making that settlement, upon the ground that if they did so, they would, from the nature of things, be compelled to recognize the inventory and appraisement made by Apperson and Bullock, and adopt it as the basis of a settlement. They did not settle with the late keeper, and up to this time there has been no action of the State, or any one for it, recognizing and confirming the acts of these appraisers.

"The commissioners of the sinking fund being authorized to settle with the late keeper, the appointment of appraisers by them to ascertain the amount and value of the property was only the act of one of the contracting parties, to which the late keeper was no party, and therefore he was not bound by any valuation they might make; and the State, the other contracting party, was not bound by it, unless she recognized and adopted it, with the consent and agreement of the other party. The committee are therefore of the opinion that there has been no action of the State, or of any authority having the power to bind the State, by which she has lost her just claim upon the late keeper for the amount she is entitled to under her contract with him. The proof shows that Mr. Theobald avoided being present with the appraisers while the valuation was progressing, and was never present except when sent for. It also shows, as before stated, that when called on as to the value of the monument priced at \$1,500, (and set down by Apperson and Bullock at \$1,250,) that it was his representation of its being a superior article that they were mainly induced to value it at this price; but from the testimony of an experienced stone-cutter, and one who is an extensive dealer in the article, the committee are bound to believe it is a bad job, out of taste in its construction, and of indifferent material, and not worth more than \$300. It was also in proof that the prices were marked on the tombs, monuments, &c., and the appraisers acknowledge that by this they were in a great degree induced to value them to the State at \$40, when it appeared that a short period before Mr. Theobald had sold to a Mr. Linn, of Georgetown, two of a similar kind at \$16 each, and two slabs, which had been marked and valued to the State at \$25 each, had been sold a short time before at \$10. The proof also shows that stone work, and particularly of the sort found in the penitentiary, valued as aforesaid from Theobald to the State, was not a saleable article; and that within the last year of the late keeper's term of service, he had employed an unusual number of hands on that description of work.

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“The committee would also state that, from Mr. Joel Scott's testimony, it appears that when he left the penitentiary, (and Mr. Theobald took possession,) he left but little stone work on hand, less than \$1,000 worth, and he recommended to Mr. Theobald to raise the price for that article. That he thought when Mr. Needham (upon whose testimony the committee have relied in forming their opinion as to the value of the stone work) was valuing the stone work, that he (Scott) thought he was putting it too low, but that he yielded his opinion to that of Needham; but that he and Mr. Needham agreed as to the aggregate value of manufactured articles, stone work, tools, machinery, &c., &c. And Mr. Scott also stated that he had been, during Mr. Theobald's term as keeper of the prison, somewhat familiar with the prices at which he sold stone work, and that the prices he found marked on the stone work, and reported by Apperson and Bullock, corresponded pretty generally with those prices; but that he had long thought Theobald sold those articles too high, by at least one third. And by reference to the appraisement of Messrs. Apperson and Bullock, it will be seen that an extraordinary and excessive amount of stone work was left by the late keeper, infinitely more than, in good faith under the contract and laws governing the State and late keeper, should have been left. The committee cannot do otherwise than condemn this as contrary to the true spirit and letter of the law, and as operating most unjustly upon the interest of the State, should she receive them according to the valuation of Messrs. Apperson and Bullock.

“The committee believe that the State, under all the circumstances, is not responsible to the late keeper, even for the actual value of the property left in the penitentiary, as it was not of the description contemplated by the law; and as the property was not accepted by the State under the contract, we are at a loss to know upon what principle she can be held liable, even to that extent. How far the present keepers are liable to the late keeper for the value of the property which came to their hands when they signed the receipt, with their protest, as we before mentioned, we will not undertake to determine; to the extent, however, that they have used the property, or by their carelessness suffered it to be destroyed, we believe their liability certainly exists.

“The act approved February 14th, 1839, provides that a capital of \$25,000, as hereinbefore stated, should be advanced to said keeper, out of the ‘raw materials, stock, manufactured articles, debts, and effects of the penitentiary, if there be so much belonging to the Commonwealth,’ as a fund for the more profitable management of said institution, for his second term of office. Upon examination of the valuation and inventory by the commissioners in 1839, the State only had of the articles required to be set apart as such fund to the value of \$15,484 76. This sum constituted then the entire amount which the commissioners, under said law, had a right and were required to set apart. Yet the commissioners of the sinking

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fund, although no settlement was made, and against the provisions of the law requiring them to collect the \$6,000 which the State had previously loaned to said keeper, surrendered to him his bond for the same, with its interest, amounting in all to the sum of \$8,029 34, notwithstanding, in the first section of said law, 'approved March 14th, 1839,' it is expressly directed that the settlement shall be made in such manner as to provide 'for the return of the \$6,000, with interest, which was advanced' to the late keeper when he was first appointed. And said commissioners also had a credit entered on the books of the penitentiary, in favor of Mr. Theobald, for the sum of \$1,485 90; all of which sums together made the \$25,000 advanced as aforesaid. The committee will not express any opinion of the course of the commissioners of the sinking fund, to whom the execution of this law and the interest of the State was confided; but believing it to be their duty, they submit the facts to the consideration of the Legislature.

"The committee find, on examination, that a custom has prevailed in the penitentiary of admitting slaves for safe-keeping, and such, they believe, was the custom and habit of the late keeper. This business (as appears by the report of the present keepers) is one of profit to the institution; but no account is any where found where the State has received her just proportion of this profit during the whole term the late keeper remained in office.

"From the annual report of the present keepers, we find the profit to the institution from this source, for about ten months, amounted to the sum of \$320; and taking this as the data, the receipts of the late keeper would have been, say \$400 per annum. Why this item of the profits of the penitentiary were not accounted for, we cannot tell; it is certain, however, it ought to be, and forms a proper charge against the late keeper. Its aggregate for his whole term, (ten years,) by the above data, amounts to \$4,000, and should certainly be examined into by those whose duty it is to settle this account.

"The account of the late keeper with the Commonwealth, if fairly stated, would, in the opinion of the committee, stand thus:

Mr. THEOBALD, (late keeper,) TO THE COMMONWEALTH,		Dr.
To this sum advanced in 1839, of raw materials, manufactured articles, as per schedule on file in the First Auditor's office.....		\$15,484 76
His bond for money loaned at beginning of his first term.....	\$6,000 00	
Interest on same up to 1839.....	2,029 34	
		8,029 34
Credit allowed him on books of the penitentiary in 1839.....		1,485 90
		<u>\$25,000 00</u>
One half of the amount of profits from negroes taken into the penitentiary for safe-keeping during his term of ten years, at above rates, would be \$2,000; interest on same to March, 1844, would be, say \$540—in all.....		2,540 00
Inventory of tools, &c., left in his hands in 1839.....		4,461 25
Inventory of machinery, &c., in his hands in 1839.....		1,715 00
Total		<u><u>\$32,716 25</u></u>

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	Cr.
By value of tools, &c., assessed by Needham, Glover, &c.	\$2,858 80
By value of machinery, assessed by Needham, Glover, &c.	1,380 50
By value of all other articles, including stock, manufactured articles, &c., &c., as valued by Needham, Glover, &c.	13,058 33
Total.....	<u>\$17,297 63</u>

“By the above statement it will be seen that if Mr. Theobald be allowed the credits for the tools, machinery, manufactured articles, stock, &c., at the prices fixed by Needham, Glover, &c., and if the charge for keeping negroes be correct, as therein stated, he is indebted to the State \$15,418 62. But if the manufactured articles, &c., are not of that saleable character required to be returned ‘at a fair wholesale cash value,’ and it shall be determined that the State shall not receive them, even at the valuation of Needham, Glover, &c., then he is indebted to the State the sum of \$28,476 95. And should it turn out that the State is bound to receive the tools, machinery, manufactured articles, &c., at the prices returned in Apperson and Bullock’s inventory and valuation, the State would owe to Mr. Theobald the sum of \$3,515 56.

“The committee have taken much pains, and have examined all such persons as they believe would be able to throw any light upon the manner of the destruction of the penitentiary buildings by fire, and there exists great doubt on the minds of the committee whether they were destroyed by accident or design; and if by design, who the guilty agent was it is impossible to tell. On the night they were destroyed, the keepers permitted several convicts to remain out of their cells and in the yard where the buildings were situated, who had free access to the means of their destruction. And, at the same time, there was confined in one of the rooms of the building in which the fire originated, a white male prisoner, who occupied that room which was used as the tailor’s shop; this room was ceiled, and there was in its center a stove; the remains of the fire which had been in it during the day were left in it, but there was no evidence to induce the committee for a moment to suspect that the fire originated from the stove-pipe. And in another ceiled room of this building there was a white female prisoner; and in another room, adjoining the tailor’s shop aforesaid, were confined two or three female slaves, who had been put in the prison for safe-keeping—one of whom was sick. These slaves had in their possession, on the night of the fire, a candle; the room in which they were confined was weather-boarded, but not ceiled, and had a loose loft laid above, in which was a quantity of hackled shucks, (prepared for mattresses,) and other combustible materials, to which there was no impediment to their communicating fire by the candle. There seems to be no doubt on the minds of the committee of the fire having begun in the loft where these shucks were placed; but whether through accident or design, by means of the candle in the possession of the negroes, or by the agency

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of some of the convicts who slept out of their cells on that night, they cannot determine; but from one or the other of these causes they have no doubt it did originate.

"It is but proper to remark that it appeared from the testimony before us to have been also the custom of the late keeper sometimes to let negroes sleep in the same room in which these slaves were on the night of the fire. And the custom of permitting some of the convicts to sleep in the workshops, unconfined, likewise prevailed, during the time of the late keeper, as well as with the present one; but it appeared that at no time during the late keeper's term was there more than two or three at any one time; but the present keepers, as was proven, have on some occasions permitted as many as six or seven at a time to do so. And so, also, as has been before remarked, did the custom of taking slaves for safe-keeping prevail. Both of these customs were, in the opinion of the committee, highly imprudent, and their recurrence ought to be provided against by law. The latter custom is subversive of the objects of the institution, and at all times dangerous to the safety of the prison; and the first should never be indulged in unless necessary for the health of the convict, and even then with extreme caution.

"Whether the conduct of the present keepers shall amount to culpable negligence, is a question we submit to the consideration of the Legislature. It is true they had the example of their predecessor, but we know of no obligation they were under to follow that example, if it was imprudent or dangerous.

"We have no means of ascertaining satisfactorily the value of the buildings destroyed by fire. The loss estimated to have been sustained, exclusive of the buildings, is furnished in the annual report of the present keepers, and is stated to be \$22,355 97, of which sum is included stock received from the late keeper, to the amount of \$10,565 87; tools, &c., \$3,275 88, and machinery \$2,120.

"The committee have made no examination of the estimates for the erection of the new cells in the prison, doubting whether that subject came legitimately within the scope of their duties. They feel it, however, to be their duty to suggest, that inasmuch as the estimate was made by the same appraisers who valued the property in the penitentiary, it might be well for the interest of the State, to have the valuation made by competent mechanics before any definite action is taken by the Legislature. The price (\$67,391 80) seems to be a high one.

"The committee have examined the new building recently erected in the penitentiary, and they consider it well calculated for the objects for which it was designed, and from the information they have obtained concerning the price agreed to be paid, they consider it reasonable.

"The blacksmith shop now in use in the penitentiary immediately adjoins this new building, and greatly endangers its security; this danger will be

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increased by the work intended to be carried on in the new building. The shop is very temporary, and ought, in the opinion of the committee, be immediately removed.

“The buildings remaining in the penitentiary are insufficient to carry on the business of the institution, and the necessity now exists for the erection of others. This, however, if done, as well as the one already erected, should be paid for out of the State’s portion of the profits of the penitentiary, and should not be a charge on the treasury. The plan and arrangement of the buildings should be confided to the Governor. And the committee think that true economy suggests the propriety of covering such buildings as may be in future erected, with tin, or some other kind of metal; and as soon as practicable, the roof of the building containing the cells should likewise be covered with metal. It was with great difficulty, the committee are informed, that this building was saved from the general conflagration during the late fire; and had it been burned, the convicts would have had to be turned out, or permitted to perish in the flames. The roof of this building is very steep, and of course, from that fact, very liable to take fire whenever other buildings within the area of the prison walls may burn.

“The committee instituted strict inquiry into the condition of the penitentiary, at the time the same was surrendered by the late keeper, and are constrained to say that the necessary cleanliness of the establishment had been neglected immediately preceding the expiration of his term of office.

“The committee would suggest the more frequent attention of the visitors, and a delegation of power in them to revise that portion of the police of the establishment, and the removal of nuisances. Some check to the neglect of cleanliness should be lodged somewhere, and the board of visitors seems most appropriate for that purpose. In other respects, and during the official term of the late keeper he treated the prisoners with humanity, so far as the evidence shows, and seemed at all times to regard the health and comfort of the convicts.

“The present keepers seem, in this particular at least, equal to their predecessor. And the committee take pleasure in stating that so far as they are capable of judging, from their occasional visits to the institution during the current month, they were impressed with the comfortable appearance of the prisoners, as well as the excellent discipline which seemed to exist.

“The committee would further call the attention of the Legislature to a custom, or perhaps law, which prevails in the discipline of the prison, which requires the keeper to shave the heads of the convicts when committed, and during their stay there; it may have been proper heretofore, owing to the insecurity of the prison, as an auxiliary of discovery and apprehension in case of escape; but we are assured by the keepers that the

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custom is now, on that score, utterly useless, and one which gives to them and to the unfortunate creatures under their management great pain and mortification. It is a savage and cruel custom, and one that but ill suits the age in which we live; and we do earnestly recommend that it should be henceforth abolished as a part of the regular discipline, and only be resorted to at the discretion of the keepers, as one of the punishments for disobedience or improper conduct. This may seem a little thing, but we are assured by the keepers that nothing in the whole system seems more humiliating to these unfortunate creatures than does the execution of this rule. And though unfortunate and degraded, they are our fellow-creatures, and should not be wantonly or unnecessarily inflicted with the least additional pang.

“The committee would also urge upon your consideration the importance of prohibiting the working of the prisoners without the walls of the penitentiary, unless it is on work for the State. They do not know that the custom now prevails, but heretofore it has been usual to employ prisoners in various mechanical branches of business, and in common labor about Frankfort and its vicinity, in direct and ruinous competition with the honest mechanics and laborers of the neighborhood. The committee are constrained to condemn this practice, as one altogether wrong in practice and unjust in principle; as it is not to be supposed that those who constitute the real wealth of every country, and who have families to support by their own labor, in any branch of business, can live when such labor is brought in direct competition with them.

“The committee are happy to state, that from information obtained from the present keepers it is their intention to employ about two thirds of the convicts in the manufacturing of rope and bagging; and they will here take occasion to remark, that they consider it but a duty which the Representatives owe the people, at as early a day as possible to abolish from the prison all classes of mechanical pursuits, except so far as it is necessary they should be pursued for the demands of the prison. They do not now recommend it to be done, for the State would have no right to do so without the consent of the present keepers, during the term of their contract. But whenever the present contract expires this change should be attended to; for that system which brings into competition the labor of the felons of the State prison with the industry and enterprise of the honest mechanics of the country is a crying wrong to this valuable portion of our fellow-citizens, and they have a right at our hands to demand a remedy for that wrong, which brings upon them such ruinous and discouraging competition.

“The committee would further remark by way of suggestion, that they believe the interests of the State would be greatly enhanced, if, after the expiration of the contract with the present keepers, the penitentiary were rented out to some responsible and competent individual at a definite

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price, or that it should be carried on by a competent agent employed by the State. Should either of these plans be resorted to, great care should be taken; in the first to protect the prisoners from excessive labor and cruel treatment; and if the last plan be adopted, such compensation should be offered by the State as to secure the services of the first business men of the country as their agents. The committee are satisfied that the State would receive more clear profits if the prison were managed in either of these ways than she ever will under the existing laws; and they see no reason why laws could not be passed to meet every objection which may be presented to the change; they are also well satisfied that until something of this kind is done, the State will ever be liable to annoyance and wrong in the settlements with the keepers, as they have always observed that whenever individual and public interest come in contact the public is generally the loser.

“We would further suggest that the present inclosure within the walls is too small, and at as early a day as the resources of the penitentiary will justify it should be extended; such an extension is required both for the comfort and health of the prisoners, as well as the convenience of the institution.

“We would also recommend that for the security of the buildings against fire, a large cistern should be at once constructed at some convenient and suitable point within the yard, and a force pump fixed in it; such a cistern and force pump, we are satisfied, could be constructed at a small expense, and would, they have no doubt, prove a very efficient protection in the event of fire, and very useful for the various cleansing operations in the prison; they understand that similar ones are in successful operation in some of the large factories in the western country.

“The committee, though they cannot acquit Messrs. Craig & Henry from neglect, cannot think that it can be construed into that culpable character which would justify the State in holding them responsible for the heavy losses sustained by the fire; so far as the articles destroyed belonged to the State and the present keepers, they think the keepers should lose one third interest therein, and the State the other two thirds. They have, however, hereinbefore given the facts in the case, and only make these remarks by way of suggesting their opinion as to what would, under all the circumstances, be justice.

“The committee would further state, that from the interruptions and disappointments which the present keepers have met with in consequence of the late fire, they are cramped in their pecuniary resources; and in the construction of the necessary buildings for the profitable and proper operation of the institution, capital will be absolutely necessary to procure the materials and lumber for these contemplated buildings; and therefore recommend that an advance should be made to the present keepers for that purpose, under such regulations as the Legislature may think proper.

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"The committee will conclude their very lengthy, and they fear tedious report, by stating it as their unanimous opinion, that from all the circumstances of the case they cannot see how the accounts and difficulties existing between the Commonwealth and the late keeper can be settled, so as to afford to every party interested a fair and full opportunity to obtain justice, unless they be investigated before the courts of the country; and they do, therefore, recommend that those whose duty it is to act in behalf of the State, should as speedily as possible proceed to bring about a settlement in this way, of all the unsettled affairs between the State and the late keeper.

"EDW. D. HOBBS, *Chairman*,

"JAMES S. SPEED,

"THOS. PORTER,

"P. H. LESLIE,

"JAMES CLARKE,

"W. BRADLEY,

"JOHN L. BALLINGER."

The following report from the board of inspectors will show what condition the institution was in when delivered to the keepers on the 1st March, 1844:

"REPORT OF THE VISITORS OF THE PENITENTIARY.

"*To the General Assembly of the Commonwealth of Kentucky:*

"The 18th section of the act concerning the penitentiary, approved 18th March, 1843, makes it the duty of the undersigned to visit that institution, examine its condition, and report thereof to the Legislature. In obedience thereto, we render a general statement of our observations in that institution during the past year.

"We made our first visit and examination on the 25th of March last, (being a few days after the present keepers entered and took the management of the institution,) at which time the entire establishment seemed to be wanting in every thing that tended to the comfort, cleanliness, and health of the convicts, and the welfare of the institution. The yard and back part of the work-shops crowded with filth and dirt; the cells infested by fleas and filth; the clothing of the convicts worn out and dirty; the eating-room uncomfortable, and the eating utensils rendered useless by age and rust—all of which matters were pointed out to the keepers, and a radical and thorough change for the better promised on their part. At our subsequent visits, in the months of April, May, June, and July, we were deeply impressed with the greatly improved condition of the entire establishment, especially the eating, clothing, and sleeping departments.

"The keepers at all times prompt and diligent in the discharge of their duties, and manifesting great anxiety for the comfort, health, and cleanliness of the convicts; the guard faithful and diligent; the clerk polite and attentive to the duties of his office; the convicts healthy, cheerful, and

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contented. Thus matters continued until the month of August, at which time the greater part of the in-buildings were consumed by fire, attended with great danger to the convicts, and much loss of property to the institution.

"The undersigned made two efforts, by examination of convicts and other persons, to ascertain the cause of the fire; and although the result of the examinations was uncertain and indefinite, yet the circumstances, taken together, conduced to establish the fact that it must have been set on fire by willful design of some one of the convicts having access to the house from which the fire emanated.

"The undersigned, with pleasure, bear testimony to the noble efforts of the keepers and guard, aided by the prompt assistance of the town of Frankfort, in extinguishing the fire and saving much property from the flames.

"Since the fire, our visits have been more irregular, yet sufficiently frequent to justify the statement that all things have been done that could be done, under the circumstances, to promote the best interests of the State, the comfort of the convicts, and the general welfare of the institution.

"We present the rules of the institution, furnished at our first visit, as a part of this report.

"JAMES DAVIDSON, *Treasurer*,
 "O. G. CATES, *Att'y General*,
 "JAMES ROBERTSON, *R. L. O.*,
 "THOS. S. PAGE, *2d Auditor*,
 "Visitors to the Penitentiary.

"FRANKFORT, January 1st, 1845."

Mr. Theobald, feeling himself aggrieved by the foregoing report, addressed the following letter to the Legislature in defense of himself:

"FRANKFORT, January 7, 1845.

"SIR: You will please lay before the House over which you have the honor to preside, the inclosed letter.

"Very respectfully,

"Your obedient servant,

"THO. S. THEOBALD.

"To the Hon. CHARLES S. MOREHEAD,

"*Speaker of the House of Representatives.*"

"FRANKFORT, January 6, 1845.

"To the General Assembly of the Commonwealth of Kentucky:

"A report of the visitors of the penitentiary, under date of the 1st inst., has been brought to my notice, which contains the following statements:

"'We made our first visit and examination on the 25th of March last, (being a few days after the present keepers entered and took the management of the institution,) at which time the entire establishment seemed

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to be wanting in every thing that tended to the comfort, cleanliness, and health of the convicts, and the welfare of the institution. The yard and back part of the work-shops crowded with filth and dirt; the cells infested by fleas and filth; the clothing of the convicts worn out and dirty; the eating room uncomfortable, and the eating utensils rendered useless by age and rust—all of which matters were pointed out to the keepers, and a radical and thorough change for the better promised on their part. At our subsequent visits in the months of April, May, June, and July, we were deeply impressed with the greatly improved condition of the entire establishment, especially the eating, clothing, and sleeping departments.'

"Although I am not referred to in the foregoing extract, either by name or date, unprejudiced minds have drawn inferences from its peculiar structure and language, unfavorable to my official management and reputation. I beg to preface what I am about to say, with the declaration of the belief that the respectable gentlemen whose names are affixed to the report, did not mean to produce the inferences which others have drawn from its statements; for during the ten years while I directed the management of the prison, neither the visitors, then as now required to make monthly examinations of its condition, nor any committee of the Legislature, expressed to me or reported to the Legislature the slightest dissatisfaction; but, on the contrary, frequently declared their approbation and admiration of my conduct. But I am not therefore the less bound, by a regard to my official and personal reputation, to resist the inferences drawn by others from their report.

"I proceed to say, then, that the condition of things reported on the 25th of March, a date which the visitors strangely deem 'a few days' after the present keepers took charge, and consequently 'a few days' after I surrendered the institution, was not that in which I delivered it over to my successors.

"*Twenty-five days* may be deemed 'a few days' in regard to some things, but such number of days would be a long time to neglect cleaning up the filth accumulating in a small area, produced by more than 150 men, employed at labor on materials necessarily making much litter. On the 1st of March, when my time of service expired, as during my whole administration, 'every thing that tended to the comfort, cleanliness, and health of the convicts, and the welfare of the institution,' was abundantly and seasonably on hand, the inferences which may be drawn from the report of the visitors to the contrary notwithstanding.

"The 'yard and back part of the work-shops crowded with filth and dirt,' was not the state of things on the 1st of March, or previously. But on the contrary, the whole establishment was always kept as clean as I could possibly keep it by regular daily and weekly cleansing; and if the fact has ever been otherwise, then visitors have grossly neglected their duty in not reporting the fact.

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“‘The cells infested by fleas and filth.’ I own to the *fleas*, but utterly deny the *filth*, during any part of my official term. As to the fleas, I employed every means known to me to get rid of them, with only partial success. I burnt shavings and straw over the whole floor surrounding the cells; I spread hot lime; I deluged with water and decoctions of smart weed and other offensive and acrid things; I burnt up the contents of the bed-ticks, and boiled the ticks and bed-clothing in hot water; I turned in flocks of sheep, and tried many other experiments unsuccessfully; still the curse of Egypt was not stayed. But I am informed that fleas infest every such institution, and that no remedy has as yet been discovered. If these visitors can find out any remedy for this grievance, they will entitle themselves to the name of benefactors to the prisoners, and render an acceptable service to my successors, which they never even spoke of to me. Had the visitors descended to report the condition of things in July, with the particularity of detail given in regard to it on the 25th of March, I am constrained to believe they would have stated, what was the notorious fact, that the fleas were infinitely more numerous in July than in March.

“‘The eating room uncomfortable, and the eating utensils rendered useless by age and rust.’ Such was never the fact prior to the 1st of March, 1844. The eating utensils were partly of tin and partly of wood; and I will undertake to say and prove, that during my administration they were always kept as sweet and clean as it was possible to keep them. The private kitchen of the most fastidious housekeeper could not have been more decently kept, as is well known to hundreds of habitual visitors, including Governor Letcher, who looked into this matter with regular and constant vigilance. I do not by any means intend to call in question the statements of the visitors referring to any period subsequent to the 1st of March last; but a just regard to my own official reputation, requires me to resist the inferences drawn to my prejudice, from the very singular manner in which the report is drawn up, seized upon to do me injury in other ways besides disparaging my official management. The visitors may have seen things precisely in the state they represent, or they may have been deceived by appearances and contrivances.

“‘The clothing of the convicts worn and dirty.’ Such was not the fact on and prior to the 1st of March last. I left every prisoner, as I had always kept every one, with a good suit of prison clothing, and if my memory is not amiss, left surplus clothing ready made, and surplus material for clothing, to my successors. The clothing of the prisoners was always regularly washed, soap in abundance having always been furnished both for that and the personal use of the convicts. They never at any time lacked for any thing necessary to health, cleanliness, and comfort, which I could possibly procure.

“I will conclude by praying that if this report should be taken up in any way by the Legislature, with a view to any bearing whatever against

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me, individually or officially, that I be notified and permitted to present evidence of the truth of all I have said above.

“THO. S. THEOBALD.”

While we are willing to concede to Mr. T. due credit for the skillful management of the institution during a greater portion of his two terms, and as before stated, a reasonable degree of humanity to the inmates, we are reluctantly compelled to state, as of our own knowledge, that when he gave up the charge of it to his successors, it was in a condition not only wanting in attentions to cleanliness, but in many respects worse than described by the board of visitors, and by the legislative committee. The cell department was in a truly deplorable condition, caused partly by neglect, but mainly through the want of proper arrangements in its construction. After a lapse of twenty years, it would seem from the report of the board of inspectors, that the unfortunate victims of folly and vice were still doomed to the same degree of filth and wretchedness found in the institution when it was taken charge of by Mr. Scott, in 1824.

The following is an extract from the report of the board of inspectors, made to the Legislature in November, 1825. (Senate journal, page 30.) They say: “We found the institution in the most wretched condition; the convicts, 84 in number, in want of an entire new suit of clothing, suitable for the winter, the most of them having on linen garments, and them entirely worn through and exposing their persons in many places to the weather. The dormitories, or cells, in which the prisoners are confined at night, and their bedding, were filthy in the extreme, and mostly worn out; nor was there a sufficient quantity to protect them from the cold. Some of the frames for the beds were broken down; some of them much larger than necessary for one person; but from there not being a sufficient number of them, they had to lodge two, and sometimes three together. The cells were insecure, having only two small hasps and staples upon the upper doors, and one on the lower, &c., &c.

“The yard was incumbered with stone and rubbish, left in the erection of the new, and the remains of the old walls. Part of the yard was so extremely noxious, from neglecting to clean the necessary, as not to be approached.”

The preceding documents contain every thing of importance connected with the valuation of Apperson & Bullock, the commencement of Craig & Henry's term, the burning of the institution, &c., &c., and the final settlement with Mr. Theobald. These documents have been reproduced at great length, in order to show what interminable difficulties have existed in the management of the institution under the partnership plan of management, and how little the State has been benefited thereby. The Legislature, at the session of 1844-'5, after the disasters to the institution, passed an act containing sundry provisions, the first of which was giving the

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General Court jurisdiction to hear and determine upon all matters in controversy between Thos. S. Theobald, the late keeper, and the State, which section has been copied on page 312 of this report.

The second section of the same act provided that it shall be lawful for the commissioners of the sinking fund to allow to Craig & Henry credit on their obligation to the State for the buildings and machinery erected and furnished by them in the penitentiary in consequence of the late fire, at the value of the said buildings and machinery as stated in the annual report of the present keepers; and that the said commissioners, the Governor concurring, may direct such other buildings, machinery, and improvements, to be erected and furnished by said Craig & Henry, within the walls of the penitentiary, during the present year, (1845,) as they may deem necessary and proper, not exceeding ten thousand dollars in value, exclusive of the value of the buildings and machinery already erected and furnished.

Section third of this act appropriated five thousand dollars out of the public treasury, to be advanced to the keepers to enable them to purchase building materials, &c. They were required to give bond with two good securities in the sum of ten thousand dollars, for the faithful application of said funds, and to repay the same into the treasury out of the first profits of the institution.

Section fourth made it the duty of the keepers to report to the next General Assembly, specifically, when and how the said sum was disbursed by them.

Section fifth corrected, to some extent, a custom which had existed in the institution for years, and is still practiced under the provisions of this act, to the shame of the State. It is as follows: "It shall not be lawful for the keepers to receive into the penitentiary any slaves for safe-keeping, unless they shall keep the same confined in the cells at night, and at all times, either during the day or night, apart from the white convicts." This section has been violated time and again, and is now forgotten, and slaves are received, worked, and fed with white convicts.

The sixth repealed one of the provisions of the old law, and the only remaining one containing a remnant of barbarism: "That the keepers of the penitentiary shall not, hereafter, be required to shave the heads of the convicts, except when they first enter the prison, unless they shall deem it proper to do so as a punishment for misbehavior."

And section seven, "that Craig & Henry be, and they are hereby, released from all liability to the State on account of the loss sustained by the late burning of the penitentiary, except in so much as they are legally bound, as partners, to bear one third of said loss." (Approved February 10, 1845.)

Under the provisions of the above recited act, the keepers caused to be erected during the ensuing year, several buildings within the walls of the

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institution, to supply the places of those which had been destroyed by the fire of August, 1844. The succeeding reports will contain all the information desirable as to the plans, progress, and cost of these buildings; and they will also contain all the information usually found in such reports relating to the statistics, finances, and disciplinary management of the institution, with annual reports as to the sanitary condition of the inmates.

CRAIG & HENRY'S SECOND ANNUAL REPORT.

"In conformity with the law under which we became keepers of the penitentiary, and in accordance with established precedents, we have the honor to submit the following report of its general condition, business operations, &c.:

"In consideration of the losses sustained by fire, in August, 1844, the Legislature, at its subsequent session, in the 2d section of an act, entitled 'An act concerning the penitentiary,' approved 10th February, 1845, authorized the commissioners of the sinking fund to allow to the present keepers of the penitentiary a credit on their obligation to the State for the buildings and machinery that had been erected and furnished by them in the penitentiary previous to the passage of said act, and to supply the losses occasioned by the late fire.

"The same act authorized the commissioners of the sinking fund, with the concurrence of his Excellency, the Governor, to cause the erection of such *other* buildings and machinery as they might deem necessary for the proper and profitable employment of the inmates of the prison, not exceeding \$10,000 in value, exclusive of the value of the buildings and machinery already erected and furnished.

"And in furtherance of this object, they authorized the keepers to draw from the State treasury (under certain restrictions) the sum of \$5,000, to aid them in purchasing building materials, &c., for the prosecution of the work. This sum has been drawn and appropriated as directed by said act, (see exhibit B, in clerk's report, herewith accompanying,) and we are happy to inform your honorable body that the buildings authorized to be erected as above, have been completed under a special contract and order of the board of commissioners of the sinking fund, the necessary machinery in them, and, as we trust, in successful use and profitable operation, with the exception of a female prison, which is still unfinished, but is in such a state of forwardness as may be completed early the ensuing season; and just here we would remark, that the estimates furnished the commissioners of the sinking fund, and upon which their order was given us to go on and erect the buildings, included this female prison. After we had commenced building, we saw plainly that the interest of the institution would require some few alterations and changes in the original plans and arrangement of the buildings, and that such alterations, if made, would change the original estimates of the contemplated cost of them; but as the in-

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creased cost would be but trifling when compared with the actual conveniences and advantages arising from the change, and the consequent enhancement of the value of the buildings, we determined to risk the responsibility, and have the proper alterations and amendments to the original plans made, believing then confidently (as we now do) that we could readily point out to your honorable body, or to a committee thereof, the absolute necessity of our course. The original estimates, as furnished the commissioners of the sinking fund, amounted in the aggregate to the sum of \$9,999 14. By the alterations just alluded to, it will increase this aggregate to the sum of \$10,671 11—being \$671 11 more than the law of last session authorized to be expended—that is, when the female prison is *finished*. At present the buildings stand, the one incomplete, the others finished. You will perceive by exhibit C of the clerk's report, that the aggregate estimate of the cost, so far as they have *progressed*, is \$9,116 36; consequently, the limit of \$10,000 for the buildings to be erected in 1845, has not yet been transcended, although we feel confident in being able to convince your honorable committee that it is clearly the interest of the institution, as well as of the Commonwealth, to do so, by the sum of \$671 11, as above stated.

“It will be seen from the accompanying report of the clerk, that the profits of the institution are not so great as the reports of other years have shown. But a few explanatory remarks on this subject, we think, will fully prove that, under all the circumstances, the result is even more favorable than could have been reasonably anticipated. We have had many adverse circumstances and heavy drawbacks to contend with since our induction into office. Misfortunes, over which we had no control, have not come singly, but in whole battalions. How we have met them, and battled with them to the last, a few simple statements will show. 1st. The State's portion, *or stock in trade*, (\$25,000,) which should have been furnished us at the commencement of our partnership with her in this institution, as promised by the act under which we were elected, was never done, as most of your honorable body are aware, and we were cut off by this failure from a fund upon which we confidently depended as a stock in trade to commence our operations, and which the act under which our partnership commenced expressly declares *was necessary* for the ‘*efficient and profitable management of the institution.*’ Being thus unexpectedly thrown upon our *own* resources to commence the business of the firm, we applied our means and energies industriously to accumulate a stock on hand sufficient to meet the exigencies, which the failure on the part of the State to furnish stock had thrown around us: and by reference to Exhibit E of our report of last year, you will perceive that at the date of the fire, (Aug. 30, 1844,) we had accumulated a fund of \$10,025 63 in raw materials and manufactured articles, and had it not been for that unforeseen and disastrous event, we would have closed the year's business, (notwithstanding

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our disappointments,) under the most flattering indications of prosperity, as our estimates of last year up to that date will conclusively prove. But the destroyer came, blasting our fairest hopes, and crushing the best energies of our nature. Again we were without stock, and worse, without tools, without shops to work in, destitute of every thing needful to make the institution prosperous; and again, too, we were thrown upon our *own* resources. Since that time we have devoted our whole energies, means, and credit to the rebuilding of the work-shops, &c., and the replacing of machinery and tools destroyed by the fire; and we now confidently assert that the institution is better prepared for the prosecution of its various manufactures and trades than it ever was before.

"We have erected buildings and placed in them machinery at an aggregate cost of \$21,246 70, and to do this, we have advanced for the institution, as per Exhibit C, \$11,190 65. A reference to the clerk's reports of last year, and this, will show that we have met the current expenses of the prison, amounting since the 1st of March, 1844, to \$60,038 17, and that the institution now, after deducting its supposed liabilities, has a balance in its favor of \$5,799 55; this amount, when the ruinously low prices of bagging and rope (upon which the profits of the institution actually depend) are taken into consideration, presents a result which, we have before remarked, is even more favorable than could have been reasonably anticipated.

"In presenting the causes which have led to the decreased profits of the year, we have alluded to our difficulties, with no other view at present, than to prove to your honorable body that we have done all that men could do to advance the interests of the institution, and more than could have been reasonably expected of us under the contract.

"We have the happiness to report the institution almost entirely without disease. (See the report of our prison physicians herewith accompanying.) And just here, we feel bound to say, and take great pleasure in saying, that they (Doctors L. & W. C. Sneed) have discharged their duties with zeal and fidelity. Their very extraordinary success, we are satisfied, will say more for them than we can possibly say.

"The prisoners seem to enjoy a higher degree of cheerfulness than at any time since our acquaintance with the institution. But we are truly sorry to say that it has been out of our power to carry into effect the manifest design of the Legislature, as regards the intellectual improvement of this unfortunate portion of our fellow-creatures. The want of a suitable school room and chapel has rendered it almost impossible to effect any thing of importance in that way. We have availed ourselves of every possible means in our power to carry out the wishes of the Legislature and the true philanthropist in regard to the moral and religious instructions of the prisoners. We have had preaching nearly every Sabbath during the past year, and on some occasions two sermons in one day. The

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Rev. Mr. Goodell, of the Baptist Church, and the Rev. Mr. Bullock, of the Presbyterian Church, have labored with others, and we trust not in vain; to them we feel to be thankful. The Rev. Mr. Welburn, of the Methodist Episcopal Church, has recently commenced his labors in behalf of the prisoners, and bids fair to do much good.

“To the officers and guards of the prison we feel to be thankful for their fidelity and promptness in the discharge of every duty.

“There are yet more improvements badly wanting in the institution, and the yard itself is quite too small for its business operations; all of which we will take great pains in explaining to a committee of your honorable body.

“The correctness of the report of our finances and book accounts generally, as made out by our very worthy clerk, C. S. Waller, Esq., we most heartily indorse; and although we have not gone into a minute examination in detail, yet such is our confidence in his integrity, capability, and vigilance, that we feel assured that his part of this report will be found to be strictly correct, and we will venture to predict, that there will not arise a difficulty in the mind of any one in regard to what he has set forth in his report, which he will not be able to explain perfectly to the satisfaction of any one who may desire it.

“There is some other matters connected with the interest of the institution which does not properly belong to this report, which we will make known to your honorable body through your committee. Should you desire any further information on any point connected with the institution, you have but to make it known to us, and with all possible dispatch it shall be furnished you. There are many matters connected with the management, regulations, and discipline of the prison which would doubtless be interesting to your members, and a personal visit at your leisure hours might be rewarded by various subjects of inquiry and observation, to be found within the prison walls. The members of both Houses are respectfully invited to visit us whenever their engagements will suffer it. Every officer connected with the prison will take pleasure in contributing to their information in any branch of the business, or administration of the institution they may desire. All of which is respectfully submitted.

“CRAIG & HENRY,

“*Agents and Keepers of the Kentucky Penitentiary.*”

CLERK'S REPORT.

“OFFICE KENTUCKY PENITENTIARY, }
 “*Frankfort, December 10, 1845.* }

“MESSRS. CRAIG & HENRY:

“GENTLEMEN: Herewith you have statements A, B, and C, showing the financial operations of the prison during the first year, ending the first instant, to-wit:

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“The first, marked A, exhibits the expenditures of the prison, classed under their appropriate heads, and the receipts or means by which these expenditures have been met.

“The second, marked B, is a statement showing, specifically, when and how the \$5,000 loaned by the State, per act approved 10th February, 1845, was disbursed, and is made in conformity with the requisitions of the 4th section of said act.

“The third, marked C, is a statement showing the resources and liabilities of the prison on the 1st instant; and although not assumed to be *strictly* mathematical, as the item among the *liabilities* of ‘*accounts not rendered*,’ is of course liable to some change upon the settlement and actual summing up of these accounts, yet great pains have been taken to arrive at correctness in estimating the aggregate amount of them; and it is confidently believed that when rendered and settled, the result as here given will not be materially changed.

“Exhibit D contains sundry tables, showing the crimes, terms of sentence, nativity, ages, education, &c., &c., of the present inmates of the prison; and exhibit E is a table showing the number of prisoners received from the different counties of the State each year, for the last *ten* years, and is intended to show the progress and increase of crime in Kentucky during that time.* All of which is respectfully submitted.

“CHARLES S. WALLER,
“ *Clerk Kentucky Penitentiary.*”

(A.)

A Statement showing the expenditures of the Prison from the 1st day of December, 1844, to the 1st day of December, 1845, viz:

For raw materials: Hemp, lumber, iron, leather, &c., &c.	\$15,703 29
For new buildings: Materials for new buildings, brick work on same, &c.	7,415 34
For provisions: For victualing prisoners	4,252 67
For machinery, tools, &c.: Machinery, tools, and implements of trade for work-shops	3,001 47
For salaries: Pay of officers and guards	2,955 57
For hauling: Wagons hauling hemp, stone, lumber, wood, &c.	1,411 25
For fuel: Wood and coal for engine, blacksmith's shop, kitchen, &c.	747 73
For prisoners' clothing	616 31
For liberation money: Cash paid to prisoners on liberation, \$5 each, as directed by law	245 00
For moral and religious instruction: Ministers of the Gospel, and others, for the moral and religious instruction of the prisoners, as directed by law	176 00
For stationery for use of office	64 81
For hospital: Medicines and medical instruments for use of prison hospital	64 06
For printing: Prison rules, office blanks, advertisements, &c.	53 70
For rent: Ground back of prison, used as a garden	15 00
For postage: Letters sent and received on business of institution	6 55
Total	<u>\$36,728 65</u>

* NOTE.—This table, and all others of the same kind are omitted in this and subsequent reports, but will be found, condensed in one table, at the close of the last chapter.

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Which has been discharged, as follows:

By Craig & Henry, advanced for institution	\$6,623 75
By cash received for the sale of bagging and rope	13,800 00
By cash received for the sale of articles at prison	1,975 20
By cash loaned by the State, per act approved 10th February, 1845	5,000 00
By cash received for lock-up fees, for the safe-keeping of slaves	610 00
By cash received for hospital charges, for medical attendance upon slaves imprisoned for safe-keeping	112 50
By barter: Manufactured articles given in exchange	8,607 20
Total	\$36,728 65

(B.)

A Statement showing, specifically, the disbursement of \$5,000 loaned by the State, per act approved 10th February, 1845, viz:

1845.

May 2.	Cash paid E. H. Watson & Brother, in part for bill of brick, lime, &c., furnished for new buildings	\$146 92
May 3.	Cash paid McKee, Lindsey & Co., bill of lumber furnished for new building	817 94
May 3.	Cash paid Joseph C. Gale, in advance for brick work, to be done upon new buildings, as per contract closed	300 00
May 13.	Cash paid Dandridge Brown, for bill of joists furnished for new buildings	112 17
May 16.	Cash paid Benjamin Jackman, for services in fitting up machinery, expenses in procuring same, &c., &c.	269 13
May 17.	Cash paid Wm. S. Church, for bill of lumber furnished for new buildings	500 24
May 25.	Cash paid Glover, McDougall & Co., bill for steam engine, and its appurtenances	2,506 95
June 7.	Cash paid R. K. Woodson, in advance, for lumber to be furnished for new buildings, as per contract closed	110 00
July 25.	Cash paid steamer Oliver Anderson, for freight on machinery	80 00
July 28.	Cash paid Gus. S. Macey, for lumber for new buildings	28 63
Aug. 6.	Cash paid Gus. S. Macey, for lumber for new buildings	32 27
Aug. 12.	Cash paid steamer Tom. Metcalfe, for shingles brought from Madison, Ind., for covering new buildings	43 75
Aug. 28.	Cash paid John Lewis, for bill of lumber furnished for new buildings	14 08
Dec. 1.	Cash paid Joseph C. Gale, in part, for brick work done on new buildings, under contract, &c.	37 92
Total, as per vouchers filed		\$5,000 00

(C.)

A Statement showing the resources and liabilities of the Prison on the 1st day of December, 1845, viz:

RESOURCES.

Accounts and notes against sundry individuals	\$10,740 59
Accounts against the Commonwealth, viz:	
Old accounts of 1844, for buildings, machinery, &c., approved by the commissioners of the sinking fund on settlement with the keepers of the penitentiary, 1st March, 1845, and directed to be passed to the debit of the Commonwealth and credit of the institution, as per order of the board, filed	\$12,130 34
For repairs of Governor's house, &c., in 1845	13 35
For new buildings erected in 1845, under contract with the commissioners of the sinking fund, as authorized by the act approved 10th February, 1845	9,116 36
Making	\$21,260 05
Less amount loaned to institution, per act approved Feb'y 10, 1845, and drawn from State Treasury	\$5,000 00
Amounts carried forward	\$5,000 00 \$21,260 05 \$10,740 59

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Amounts brought forward	\$5,000 00	\$21,260 05	\$10,740 59
Also, profits declared 1st March, 1845, as per settlement with commissioners of the sinking fund ..	\$3,205 62		
Also, Craig & Henry's assumpsit, to make up the guarantee of \$5,000 profits insured to the State each year	1,794 38		
	<u>5,000 00</u>		
Making		10,000 00	
Leaving a balance to the debit of the Commonwealth of			11,960 05
Bagging and rope in hands of commission merchants, on consignment, estimated as follows:			
157,844 yards bagging, at 8 cents		\$12,627 52	
23,057 lbs. rope, at 3 cents		691 71	
Making			13,319 23
Stock on hand: Raw materials and manufactured articles, inventoried at			8,540 73
Making the whole resources			<u>\$43,860 60</u>
LIABILITIES.			
To Craig & Henry, for advances made for institution, as per report of last year		\$4,566 90	
To same, for advances made in 1845, as per exhibit (A)		6,623 75	
Making		\$11,190 65	
Less amount assumed for Commonwealth to make up the guarantee of \$5,000 profits, for year ending 1st March, 1845		1,794 38	
Leaves a balance due to Craig & Henry, of		9,396 27	
To various individuals, for hemp purchased on time, by written per- mission of the Governor		14,266 34	
To various individuals, for sundries furnished institution— <i>accounts not rendered</i> —estimated at		9,288 36	
To the officers and guards of the prison, salaries due and undrawn ..		1,507 14	
To amount of "old stock" received from the late keeper, sold and used		354 68	
To commission merchants, for advances upon consignments of bag- ging and rope		3,248 26	
Making			38,061 05
Leaves a balance in favor of the institution, on the 1st day of December, 1845, of ..			<u>\$5,799 55</u>

(D.)

*The following tables are given to show the number of inmates, their crimes, sen-
tences, nativity, education, ages, &c., &c., viz:*

Number of prisoners in confinement on the 1st day of December, 1844, as per report of last year	151
Received into the prison from the 1st day of December, 1844, to the 1st day of December, 1845	75
Making	<u>226</u>
The number discharged during the same time is as follows:	
By expiration of sentence	30
By pardon of Governor Owsley	14
By restoration to the rights of citizenship, by pardon of Governor Owsley, one day pre- vious to expiration of sentence	4
By pardon of President of the United States	1
By death	1
By escaping (none)	0
Making	<u>50</u>
Leaving in confinement on the 1st day of December, 1845	<u>176</u>

1844 to 1855—Craig & Henry, Keepers.

Of the above number, there are—

White males	157
Colored males	19
Total	176

COUNTIES SENT FROM.

Barren	2
Boone	2
Breckinridge	2
Bullitt	2
Christian	2
Carroll	2
Daviess	1
Estill	1
Fayette	4
Fleming	1
Franklin	2
Green	1
Grayson	1
Gallatin	2
Greenup	1
Hardin	2
Hickman	4
Henry	2
Hopkins	1
Hancock	1
Henderson	1
Jefferson	94
Jessamine	2
Kenton	4
Livingston	5
Logan	4
Lawrence	1
Madison	1
Mason	3
McCracken	4
Meade	1
Marion	1
Mercer	2
Morgan	1
Nicholas	1
Ohio	1
Pendleton	2
Scott	4
Shelby	1
Simpson	2
Washington	2
Warren	1
Whitley	1
United States Court	1
Total	176

CRIMES.

Larceny	67
Horse stealing	26
Felony, (particular offense not stated in clerk's transcript of conviction)	19
Passing counterfeit money	15
Manslaughter	12
Burglary	8
Assisting slaves to run away	8
Robbery	5

Amount carried forward 160

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Amount brought forward	160
Counterfeiting	4
Arson	3
Forgery	2
Intent to kill	2
Mail robbery	1
Bigamy	1
Escaping	1
Rape	1
Perjury	1
Total	176

TERM OF SENTENCE.

For 3 years	40
For 4 years	37
For 2 years	24
For 5 years	13
For 10 years	12
For 7 years	11
For 1 year	8
For 8 years	7
For 6 years	6
For 1 year and 6 months	4
For 40 years	3
For 3 years and 6 months	2
For 2 years and 6 months	2
For 22 years	1
For 15 years	1
For 9 years	1
For 5 years and 6 months	1
For 4 years and 6 months	1
For 3 years and 4 months	1
For 1 year and 10 months	1
Total	176

NATIVITY.

Kentucky	39
Pennsylvania	27
Virginia	19
Ohio	10
New York	13
Tennessee	8
Ireland	9
North Carolina	7
Maryland	5
England	3
District Columbia	4
Indiana	4
France	2
South Carolina	3
New Jersey	3
Germany	4
West Indies	2
Vermont	2
Arkansas	1
Mississippi	1
Georgia	1
Massachusetts	1
Delaware	1
Scotland	1
Maine	1
Mexico	1
Amount carried forward	172

1844 to 1855—Craig & Henry, Keepers.

Amount brought forward.....	172
Africa.....	1
Louisiana.....	1
Sweden.....	1
Alabama.....	1

Total 176

EDUCATION.

Superior, or those who have a classical or scientific education.....	1
Good, or those who have had the benefit of a general English education.....	8
Common, or those who can read, write, and cypher.....	60
Poor, or those who can only spell and read.....	54
None, or those who are entirely destitute of education.....	53

Total 176

AGES.

From 15 to 20 years.....	20
From 20 to 30 years.....	93
From 30 to 40 years.....	39
From 40 to 50 years.....	11
From 50 to 60 years.....	12
From 60 to 70 years.....	1

Total 176

CHAS. S. WALLER, *Clerk Ky. Penit'y.*

OFFICE KENTUCKY PENITENTIARY, Dec. 10, 1845.

PHYSICIAN'S REPORT.

"The undersigned, physicians to the State prison, would most respectfully report to the honorable, the General Assembly, that they have attended to their duty during the past year, and present the following as the past and present condition of the institution, so far as relates to health and disease. The health of the prisoners has been good, and at this time is almost uninterrupted. By reference to the following table, it will be seen that 215 cases have been treated, the diseases being of almost every kind common to this climate:

Asthma.....	2
Bronchitis.....	2
Catarrh.....	30
Cephalalgia Periodica.....	13
Constipation.....	39
Cholera morbus.....	8
Diarrhea.....	10
Epilepsy.....	1
Fever, remittent.....	6
Continued.....	2
Typhoid.....	2
Typhus.....	1
Intermittent.....	18
Furuncle.....	10
Gastro-Enteritis.....	1
Hæmorrhoids.....	5
Inguinal Hernia.....	1
Incised wounds.....	6
Ophthalmia.....	8
Parotitis.....	5

Amount carried forward 170

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Amount brought forward	170
Pleuro Pneumonia.....	7
Pleuritis	4
Rheumatism, acute.....	8
Rheumatism, chronic.....	13
Rheumatism, syphilitic.....	3
*Syphilis, primary.....	3
Syphilis, secondary.....	1
Urticaria	4
Zona.....	1
Prolapsus Ani.....	1
Total.....	215

"We have to report the death of one of the inmates, which occurred in June, and was the result of a violent attack of typhus fever. Our best efforts were used to prevent a fatal termination of the case, but its violence baffled our treatment, and the case terminated fatally, after a continuance of over thirty days. There are a few chronic cases on hand at this time, resulting from diseases contracted before the individuals were admitted into the institution. These cases, we hope, by the prompt use of means, to cure, but some time will be required for its accomplishment.

"So far as our information extends, we know of no institution of the kind in the United States, where the inmates enjoy as good health as they do in this. Whether this depends upon locality entirely, we will not say. We, however, incline to the belief that the *treatment* which the inmates receive has much to do in producing a result so desirable. Occupation, exercise, and diet, it is well known, when properly regulated, has much to do in promoting a healthy condition of the physical system; and when abused, is followed by results varying in proportion to the amount of that abuse.

"Our visits to the institution during the year have been regulated by the amount of professional duties which the state of the inmates required. When there were bad cases to attend to, we would visit the hospital from two to three times daily; but when there was no necessity for so many visits, we have generally paid only a single visit per day. We have had access to all the working departments of the institution, and have felt it our duty to inquire into the condition of each person, the amount of labor which he had to perform, his ability to do what was allotted him, and whether the state of his health and constitution were adapted to the business he was engaged at. We have found it advisable to change the occupation of a few individuals, in consequence of bad health, or a feeble condition of the system. These changes have been readily acceded to by the warden and his assistants, and in all cases the result has been favorable to the health of the prisoner.

"The diet furnished the inmates is abundant and good, and probably has as much to do in promoting their health as any other single cause. Be-

*Diseased when admitted into the institution.

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sides the good effects produced by an abundant supply of food upon the health of the inmates, they are rendered much more manageable than they would be if kept upon a scant supply of indifferent food. All experience teaches that men can be easily governed when they are well fed. The hungry are prompted, by the goadings of an empty stomach, to the worst acts known to our race. It is a sad mistake that the convicts in many of the penitentiaries of this country, are kept at that exciting point of hunger which changes man into a devil in feeling, and a brute in conduct. The following will give about an average daily consumption of each prisoner: Bread, $1\frac{3}{4}$ pounds; meat, if bacon $\frac{3}{4}$ pound; if beef, $1\frac{1}{4}$ pounds. rye coffee, without sugar, for breakfast.

"They are furnished with vegetables in their season, two or three times a week; Irish potatoes, cabbages, and turnips are supplied in abundance. Soup is served very often, and is made of beef, seasoned with potatoes, cabbages, turnips, &c. Of this they are allowed to eat freely. When vegetables or soup is given them, the quantity of meat is lessened, but the bread is not. They are also furnished with buttermilk in large quantities during the summer and fall.

"A special diet is allowed the sick, and is furnished from the private table of the warden.

"The present hospital is too small for the accommodation of the sick during the summer season, and if an unusual amount of disease should occur at any time, great inconvenience and much suffering would be felt for the want of suitable accommodations. We would most respectfully recommend, in case there is an enlargement of the premises, the erection of a building better calculated for the reception of the sick than the present one. Respectfully reported,

"LEWIS SNEED, M. D.,
W. C. SNEED, M. D."

"January 1, 1846.

REPORT OF THE VISITORS OF THE PENITENTIARY, FOR THE YEAR 1845.

"To the General Assembly of the Commonwealth of Kentucky:

"In pursuance to the requisitions of the 18th section of an act concerning the penitentiary, approved 18th March, 1843, the undersigned have visited the institution and examined into its condition. Visits were made 24th February, 3d and 29th April, 21st May, 20th June, 18th July, 14th August, 12th September, 21st October, 22d November, and 16th December. During a great portion of the year, buildings have been in the progress of erection, which at times occasioned some rubbish and dirt; but, during the most of the time, things appeared neat, clean, and healthy. Indeed, during the whole period, every thing has been in admirable order, considering the attendant circumstances.

"The work-shops are well arranged, comfortable, and convenient; the cells are neat and comfortable, and the convicts have enjoyed good health

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during the past year. The house in which the meals are furnished is a temporary shed, comfortable during the warm and dry weather, but very uncomfortable and disagreeable during wet or cold weather. The visitors think that a new house for an eating department is absolutely essential, and would beg leave respectfully to suggest, that, in the building to be erected for this purpose, provision should be made for a chapel for religious exercises and Sunday school instruction. A room in the second story could be appropriated for this purpose, at a comparatively trifling cost.

"They deem this a matter of great importance, and verily believe that good and lasting results would flow from it. They entertain no doubt that an arrangement could be effected with the ministers of the different religious denominations in Frankfort, by which the convicts would have the Gospel preached to them every Sabbath; and that philanthropic citizens in sufficient number could always be found, ready and willing to impart to them instruction in a Sunday school. These services would, of course, be gratuitous.

"JAMES DAVIDSON, *Treasurer*,

"H. I. BODLEY, *1st Auditor*,

"JAMES ROBERTSON, *R. L. O.*,

"O. G. CATES, *Att'y General*,

"THOS. S. PAGE, *2d Auditor*,

"*Visitors to the Penitentiary.*

"FRANKFORT, January 1st, 1846."

Governor Owsley, in his annual message to the Legislature, January 1, 1846, after stating that the commissioners of the sinking fund, in conformity to an act approved 10th February, 1845, had employed the keepers of the penitentiary to erect certain buildings within the walls of the same; and that said work had been nearly completed, &c., says:

"The keepers have labored under many embarrassing difficulties since the institution came under their management, springing out of the burning of the interior buildings, and other causes. They sustained loss by the institution the first year, and I apprehend but little, if anything, will be realized by them the present year. But I have no reason to believe that better could have been done under all the circumstances. The institution seems to be well conducted, and I have full confidence in the ability and fidelity of the keepers. The convicts are well fed, well clothed, and provided with comforts suitable to their condition. They are kept diligently employed, and display no rebellious or intractable disposition. None have escaped during the past year. The number of convicts in the penitentiary December 1, 1845, was one hundred and seventy-six—exceeding the number in the institution December 1, 1844, by twenty-five.

"This increase in the number confirms me in the opinion expressed in my last message, that, at no distant time, it will become necessary to enlarge

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the outward walls of the penitentiary; and I again suggest the propriety of providing for the purchase of additional ground for that purpose.

“Other buildings, besides those now in progress of construction, will be needed to carry on, in a proper manner, the business of the institution; and their appropriate location greatly depends upon the determination of the Legislature in regard to enlarging the area of the prison yard.

“Suit has been brought against the late keeper of the penitentiary and his securities, by the Attorney General, in accordance with the act of last Legislature; and, under an order of the Chancellor, the property which formed one of the subjects of contest has been sold by a commissioner appointed for that purpose. The sale was made on a credit of twelve months, and amounts to about \$5,000, to be disposed of by the court when the matters in contest are decided. The contest about this property prevented the present keepers from the use of that amount of capital, which, by law, they were entitled to have furnished to them by the State; and it has put them to the necessity of supplying, with their own means, the necessary capital for carrying on the business of the institution. In their annual settlement with the keepers, the commissioners of the sinking fund did not consider themselves at liberty, nor were they urged by the keepers, to take into consideration any claim which the keepers may have against the State for indemnity, on account of their failure to get from the State the anticipated capital. That was deemed by the commissioners, as well as the keepers, to be a subject more properly addressing itself to the Legislature, to whose consideration I now commend it.”

February 9, 1846. “Mr. Peyton, from the Committee on the Penitentiary, made the following report, viz:

“The Committee on the Penitentiary, to whom have been referred, at different periods of the present session, the various subjects relating to that institution, after mature consideration, submit the following report:

“From a personal examination of the institution, they are satisfied it is necessary to its success and permanent interest, that it should be enlarged and improved. The present dimensions of the yard is too limited to admit of the erection of the necessary buildings to carry on its business with due regard to the security of the buildings, and the health and comfort of the inmates. Immediately adjoining the yard is situated a lot, owned by A. P. Cox, Esq., a portion of which the commissioners of the sinking fund have contracted for the purchase of, with a view to the erection of a warehouse, to accommodate the institution and secure from danger of destruction the manufactured articles belonging to it. This purchase is 45 feet fronting on High street, and extending back 80 feet; the price agreed to be paid is \$15 per foot, amounting in the whole to the sum of 3675. The proprietor of the balance of the lot agrees to sell it to the State at the same price per foot, extending to the corner of Clinton street, and including the 45 feet sold to the State; its length is 160 feet; the entire depth is

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the same of the present penitentiary wall, which is 280 feet—making the cost of the entire lot \$2,400. The committee are satisfied that the price demanded for this lot is low, and the purchase is absolutely necessary to the successful and proper management of the interest and business of the institution. If, however, it may be considered proper to purchase a part of the lot, the proprietor proposes to sell only 100 feet front on High street, and extending back the depth of the lot, at the same rate, and indeed greatly prefers selling a part to the whole, at the price stipulated.

“From an estimate furnished by the keepers of the penitentiary, the probable cost of extending the walls of the prison yard around the entire lot proposed to be added, would be \$4,731.

“The penitentiary is unprovided with a suitable house for the prisoners to eat in, and it is necessary that one should be erected. It is proposed to make this house two stories high, the upper part of which may be used as a chapel, and the probable cost, as estimated, would be \$3,500.

“In order to secure the public property and the buildings against fire, it is proposed to erect in the yard of the prison an extensive cistern, the walling and probable cost of which would be \$200. To secure the same object, during the past summer, the keepers of the penitentiary have supplied the institution with a fire engine, which cost \$360; 300 feet of hose pipe, which cost \$210; 156 feet of cast iron pipe for watering the yard and supplying the cistern, which cost \$220; a fire plug and stop-cock, which cost \$54 50; and they have erected and placed on the roofs of the buildings five large water cisterns, at \$25 each; 100 fire buckets, at 80 cts. each; a lead pipe, cock, &c., for supplying the fire engine, at \$18 70—amounting in the whole, including carriage, &c., to the sum of \$1,109 70. The committee are of opinion that these articles are necessary and proper for the preservation of the buildings and other property in the penitentiary, and that the Commonwealth ought to pay for them, or at least a proportion of the cost equal to the interest of the State in the buildings and property they are designed to secure.

“The act approved 10th February, 1845, authorized the commissioners of the sinking fund, with the concurrence of the Governor, to cause the erection of buildings and machinery, not exceeding in value \$10,000; and in furtherance of that object, directed the sum of \$5,000 to be paid out of the treasury. Buildings which, in the opinion of the committee, were necessary and proper for the profitable employment of the inmates of the prison, have been erected; but there is left unfinished a female prison, the completion of which is regarded as highly important. The amount necessary for this object is estimated at \$671 11. The estimate furnished by the keepers to the commissioners of the sinking fund for the completion of the buildings erected during the last year, and including the female prison, was found to be too low, in consequence of a change of plan, deemed essential in the construction of the buildings, and is the cause of the additional

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appropriation being now necessary to complete the female prison. The committee have examined the buildings erected, and are satisfied that the work is well done, and upon as reasonable terms as ought to be expected.

“By the terms of the contract with the keepers of the penitentiary, they are bound to pay the State five thousand dollars per year as net profits. Owing to the destruction of the buildings, work-shops, &c., and the failure of the State to advance, by way of capital to carry on the business of the institution, the \$25,000 of raw materials, stock, and manufactured articles, which it was supposed would have remained on hand at the expiration of the time of the late keeper, the present keepers have been subjected to great loss and inconvenience, having alone to rely on their individual credit and resources for the necessary means to carry on the business of the concern. They have been compelled to pay a high rate of interest out of their own means to obtain the capital, and instead of devoting the entire labor of the inmates to manufacturing purposes, much of the labor of the convicts has necessarily been employed in the erection of the buildings. The State has furnished only \$5,000 in money to meet the expenditure of \$21,346 70, used in the erection of buildings, machinery, &c., leaving the sum of \$16,246 70 to be paid out of the profits of the penitentiary, or advanced by the keepers. The profits of the concern have fallen short of the sum of \$5,000 required to be paid annually by the terms of the contract, and the keepers are now in advance to the State, for building purposes alone, the sum of \$11,190 65.

“The keepers, at their last settlement with the commissioners of the sinking fund, fell in debt the sum of \$1,794 38, on account of the \$5,000 they are bound to pay each year, after paying over the entire profits of the penitentiary, and it is supposed that in their settlement the present year the deficiency will be about the same amount. This failure of the concern to realize the expectations of the parties to the contract, and enable the keepers to pay to the State \$5,000 of net profit, has been produced, as we suppose, by the failure of the State to comply with her part of the agreement by advancing the capital expected to be advanced at the commencement of the time of the keepers, and resulting from the disastrous consequences of the fire. The State would perhaps have it in her power, by the terms of the contract, to throw these losses on the keepers, they being unconditionally bound to pay at least the \$5,000 per year. But it is submitted whether a regard for justice, and becoming liberality on the part of the State, ought not to induce a release of these amounts to the keepers.

“It is thought that the profits of the penitentiary during the next three years will be sufficient to reimburse the State the loan of \$5,000 advanced for the erection of buildings, and complete the improvements and extension of the yard as suggested in this report. This result is all that ought

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to be reasonably expected, and its consummation will place the establishment, in after time, in a condition to realize all the profits that ought to be reasonably expected.

"The attention of the committee has been directed to the condition of the cells in the prison. They are so constructed and fenced around with a wall reaching to the roof, as to exclude the possibility of having sufficient air to render them reasonably comfortable or healthy. The plan of their construction is perhaps the worst that could have been devised, with any regard to the health or comfort of those destined to inhabit them. To make these cells such as they ought to be, and such as humanity might suggest, would necessarily involve the State in a heavy expenditure, as it would require their destruction and rebuilding. The committee have therefore thought it their duty to recommend that sufficiently secure windows be placed at proper distances in the wall, to afford a circulation of air within the outer walls. This improvement, it is estimated, would cost about \$400; and it is perhaps the only improvement that it would be prudent to make at the present time.

"The attention of the committee has also been drawn to the fact that the roof of the offices are very defective, and require repairing. We therefore recommend that the Governor be directed to contract for such repairs as may, upon a minute examination by competent persons, be deemed necessary. It is supposed that the expense cannot, under any circumstances, be great.

"The office of clerk to the penitentiary is of vast importance to the State, and involves great responsibility. The duties are very laborious, and for some years past have been discharged with great fidelity and efficiency by the present incumbent, who is in all respects a most worthy and deserving officer. He has with great delicacy suggested to the committee in his letter which accompanies this report, that his salary, which is only \$750 per annum, is entirely disproportioned to the amount of responsibility and labor incident to the office, and asks that his salary may be increased \$250. The salary of this officer is paid out of the profits of the penitentiary, and the keepers have not only given their consent to the increase, but urge it upon the ground that it is an act of justice. The proportion of the increase to be paid by the State would be \$166, and the proportion paid by the keepers \$84.

"The committee are satisfied, from inquiry upon this subject, that the request of the clerk is reasonable and just, and ought to be granted.

"The committee submit, herewith, a bill for the consideration of the Senate."

In accordance with the recommendation of the committee appointed by the Legislature, to take into consideration so much of the Governor's message as related to the penitentiary, an act was passed, and approved February 23, 1846, containing the following provisions:

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First. The Governor was authorized to purchase a lot of ground south of the old wall, owned by A. P. Cox, as stated in the report, for a sum not exceeding \$2,400.

Second. Walls were to be extended around said lot, corresponding with the other outer walls of the institution, the cost of which was not to exceed four thousand seven hundred and thirty-one dollars; and buildings were to be erected on the said additional ground, for a chapel and eating-house, the building of which was not to cost exceeding the sum of three thousand five hundred dollars. A cistern was also directed to be built within the yard for the purpose of furnishing a sufficiency of water in case of fire, not to exceed in cost the sum of two hundred dollars. The above improvements to be ordered by the commissioners of the sinking fund, who were also authorized to have the roof of the offices repaired and put in good order. They were further directed to have windows cut in the wall surrounding the cell buildings, for the purpose of admitting a free circulation of fresh air to the cells.

Section third enacted "that the commissioners of the sinking fund, on their settlement with the keepers of the penitentiary, shall allow said keepers credit for the sum of \$1,794 38, that being the amount of deficiency in the \$5,000 agreed to be paid by said keepers to the Commonwealth as her net profit of the penitentiary for the year 1844, after paying over the entire profits of the penitentiary to the said commissioners; also, in their next settlement with said keepers, allow said keepers credit for whatever sum the entire profit of said penitentiary for the year 1845 shall fall short of the said sum of \$5,000, agreed to be paid to the State, as the net profits for that year: *Provided*, The amount so allowed shall not exceed the sum of one thousand seven hundred ninety-four dollars thirty-eight cents.

Section fourth provided for paying the keepers the sum of \$1,109 70, for an engine, hose, pipe, cisterns, casks, and buckets, purchased by the said keepers for the use of the penitentiary.

Section fifth provided that for the purpose of aiding the commissioners of the sinking fund in purchasing the lot, extending the walls, &c., &c., that the Second Auditor should issue his warrant on the treasury for the sum of \$6,000, to be paid out of any money in the treasury not otherwise appropriated; and the balance of the sum necessary to complete the purchase of the lot, &c., &c., shall be paid out of the profits of the penitentiary: *Provided*, That the said keepers of the penitentiary shall, before such warrant shall be issued by said Second Auditor, execute bond, with good security, in the penalty of ten thousand dollars, payable to the Commonwealth, and conditioned to repay said sum of \$6,000 into the treasury, out of the net profits of the State, to arise from the business of the penitentiary, on or before the time limited for the expiration of their office; which profits the keepers guarantee to be sufficient to pay the same.

Section sixth provided for an increase of the clerk's salary to the sum of eight hundred dollars, instead of seven hundred and fifty, as heretofore.

Section seven provided for the loan to the keepers of ten thousand dollars out of the public treasury, at six per cent. per annum, to be returned at the expiration of their term of office. They were to execute bond in the sum of twenty thousand dollars, to be approved by the Governor, and to pay the interest on the same semi-annually to the commissioners of the sinking fund.

An act approved the same day provided "that the sum of fifty dollars be, and the same is hereby appropriated to purchase books for the moral cultivation and instruction of the prisoners in the penitentiary; which sum is to be placed under the control of the Governor of this Commonwealth, and to be paid out of any money in the treasury not otherwise appropriated."

Miss D. L. Dix, of New York, spent some time in Frankfort during the winter of 1845-'6, and prepared, at the special request of the Legislature, a review of the present condition of the State penitentiary at Frankfort, with brief notes and remarks upon the jails and poor-houses in some of the most populous counties of the State.

The following is what she says of the State penitentiary of Kentucky. at Frankfort:

STATE PENITENTIARY OF KENTUCKY, AT FRANKFORT.

"This institution, established in 1798, and partly rebuilt and remodeled since 1840, has from time to time had great difficulties to contend with, from various causes, but from none more serious and depressing to its financial concerns, than during the past year and a half, consequent upon the disastrous fire which consumed the work-shops, tools, stock, &c., throwing at once the affairs of the prison into the utmost confusion, and creating inconveniences which to this hour affect the prosperity of its condition; and which must still for a considerable period, continue to be experienced, from delays in restoring the buildings.

"In examining and commenting upon the prison as it now is, justice demands that these adverse circumstances should be kept in mind.

"This penitentiary is not a model, by comparison; it is not excellent for the objects proposed, viz: *correction*, and more for *reformation*. In short, it exhibits some great defects. But there are in connection with it two very encouraging circumstances: first, that the public mind is every year becoming more alive to the importance of improving the government and discipline of prisons, and more sensible of the obligation the virtuous portion of the community owe, to exert a reforming, enlightening influence over criminals, and all transgressors. The best interests of society, and of our country, no less than the high duties of Christianity, urge this; but, secondly, an encouraging view is afforded in regarding this prison,

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from what, after much inquiry and examination, seems to be the fact, that whatever are the faults now observable in its discipline and administration, it is certainly, in many respects, in a better condition, so far as the prisoners are considered, than it has ever been before. This opinion is based on conviction, and expressed from the belief that it is due to the present lessee and keeper of the State penitentiary. Whether it depends upon this officer, upon the Executive, or upon the Legislature, or upon all these influences combined, to procure a speedy and effectual remedy for defects to be stated, it is believed that no delay need intervene, and that none will be allowed to intervene, if the *utility* of changes and improvements can be demonstrated. These will be referred to in course of a brief description of the above named institution.

“The prison and its appendages are inclosed within a stone wall 26 feet high, and four feet thick at base, of sufficient strength for present purposes.

“The area inclosed contains two acres, and the various factories, shops, smoke-house, and lodging prison, are of dimensions as follows: The large building as you enter the yard on the right, is *forty* feet by *two hundred and twenty*; is two stories high, and built of brick, with a shingle roof. The ground-floor is occupied with the engine and machinery, the carpenter, and the black-smith's shop. The second story is appropriated to tailors, harness-makers, carriage trimmers, and finishers of the ornamental work upon carriages, chairs, &c., also to the coopers and bagging-weavers; these are directly above the smith's shops, and the atmosphere is loaded with smoke from below, and hemp dust from the looms, much, it seems to me, to the detriment of health and comfort.*

“A building on the side of the area opposite to this, *two hundred and four feet* by *forty*, two stories high, built of brick, and shingled, is occupied on the ground floor by the hacklers of hemp at one end, and the bagging-filling spinners on the other.† The dust constantly filling the atmosphere like a dense cloud, is at times quite intolerable. The second story is occupied by the bagging chain spinners, through its entire length. A small building near this is used as the shoemaker's shop; and in the centre of the yard is the stone-cutter's shed. The smoke-house is of brick, *thirty* feet by *forty*, two stories high, and is situated nearly opposite the entrance to the yard.

“A new building of dressed stone and brick, *twenty feet* square, stands out in the yard, eight or ten feet from the men's lodging prison. Ostensibly, this is for the women's prison, though from its *plan* and *location*, it cannot be applied to that use without outraging every decency of life. I feel fully justified in the assertion, that neither the respectable citizens of Kentucky, the Executive, nor the Legislature, will suffer its use, as a

* This has all been remedied.

† See birds-eye view, page 219.

prison for women, after more than one experiment, if one ever should be made. It can by no possibility be converted into an infirmary, which is greatly needed, for not one solitary arrangement rendering it suitable for such a use is planned, and the dimensions less even than the present hospital, would negative such a proposition.

"I do not speak unadvisedly, in saying that if this building is completed, it will be a standing monument of the misapplication of funds, to whatever purpose it may be applied, and if (as is not probable) as a prison for women, it will without doubt be condemned as a nuisance by the first visiting grand jury.*

"The outer wall of the inclosing prison is, in length 210 feet, by 40 wide. The cell-prison is 190 by 20. The area is 10 feet wide on all sides.

"The surrounding area being below the surface of the adjacent yard, and there being no floor over the ground on which the cell-prison is built, every storm of rain affords an influx of water, which produces a strata of mud, and much of the time, increases dampness over the area.† One iron stove serves to temper the atmosphere, but not to maintain at any time sufficient dryness and warmth. Several fires ought to be sustained here, at all seasons, at once to procure dryness and ventilation. One window on the outer wall admits through the gratings a glimmering light and some air. I have always found lamps or candles burning here at mid-day to yield so much light as the business of sweeping, &c., require. The interior of the cells, except immediately nigh the entrance, or opposite the window referred to, can be seen only by artificial light, at any season. And this is one reason, possibly, why they are never properly white-washed and cleansed. The cell-prison within contains 252 cells in three tiers, of 42 upon each side of the ground floor and galleries.

"The dimensions of the cells are $3\frac{1}{2}$ feet by 7, and 7 high from the centre of the arch. Of the ventilation I can only say that it is exceedingly defective. The ground floor cells have two ventilating passages, each about 4 inches diameter, but so constructed as to be of little, if indeed they are of any use; they terminate, I am told, in the attic. The cells of the second and third stories, while they required of course a larger supply of pure air, have but one ventilator, and that is of no avail. When the outer door of the prison is closed at night, whether in winter or in summer, the air must be very impure and deleterious, especially loaded, as it is, with various offensive animal exhalations.‡

"The cells are furnished with a few cot-bedsteads, and other various substitutes for bedsteads, but the largest part are without either. The floor of the cells is of board or plank, and bed-clothing, such as it is, is thrown thereon. There are 176 prisoners, and more cells than convicts;

* This building was used as a female prison until 1858.

† The roof is much out of repair, and admits so much water as greatly to increase this evil.

‡ This section of the prison was planned and built before the present lessee took possession.

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yet for months, and I know not how much longer, two men have been lodged in most of the ground floor cells on the front side. Two reasons have been assigned for this improper arrangement; one as given to the 'House committee,' that 'the last year and before, they were badly infested with fleas, and were thrown two in a cell, in order to scrub and cleanse the others thus left vacant!' Another reason, and one often assigned upon various and sufficient authority, is that the beds are poor, and the bed-clothing quite insufficient to maintain a tolerable warmth in the cells during the night; therefore, *this cheap method* of supplying substitutes for the sufficient furnishing of the cells has been adopted! I respectfully suggest that some appropriation from the '*Sinking Fund*' be made, in order to supply present wants, and enable the keeper to enforce the statute, which see. (An act to regulate the penitentiary,) approved January 29, 1829.

"The cells necessarily, and with due consideration on the part of the keeper, are lighted for a time in the evening. This, especially, is a kind and judicious plan, when the very bad construction of the lodging prison is considered. It is to be hoped that one of the first improvements here will be breaking windows through the wall of the outer building, for the admission both of light and air, by day and by night.

"Perhaps something might be saved in the construction of *the twenty foot prison* for this reasonable demand.

"The dimensions of the lodging cells in the penitentiary at Frankfort correspond with those of the prisons at Sing-Sing, Charlestown, and Wethersfield, in all of which the ventilation is considered very defective, although they have this obvious advantage over the Frankfort prison, viz: better constructed flues, and the recurrence of windows at small distances along the walls of the inclosing prisons. And again, at Wethersfield the most exact cleanliness is preserved, while both at Sing-Sing and Charlestown it is not overlooked. At Frankfort, the usage has been to white-wash *once a year*. In most penitentiaries where white-wash is not in daily use, it is employed once a fortnight, or once a month; but the prevailing usage is to charge several of the infirm convicts who are not possessed of bodily strength for hard labor, to keep the cells swept, scrubbed, and to apply white-wash, which is always kept prepared in buckets, to every part of each cell, when at all discolored. This is not expensive, and it conduces to health, to cleanliness, and to improved personal habits. I concede that, from all accounts from all quarters, friends and unfriends of this prison, that it is *better than ever before*. Let no pains be spared to render it greatly more comfortable than it now is in all the cell arrangements.

"LABOR.—The men appear to be quiet and diligent in the several departments where their labor is assigned, and no extraordinary force seems to be exerted to maintain discipline and industry.

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"PUNISHMENTS, apparently in a measure discretionary; no record is kept or required; but the statute is intended to control abuses in this respect; the keeper being first authorized, with the approbation of the inspector, (Governor,) to establish such rules and regulations for the government of the convicts as he shall judge necessary, is limited in the enforcement of said rules by the following concluding clause of the section: 'In case of disobedience by any convicts to perform his or her duty, or of a violation of any rule or order, the keeper may inflict punishment proportionate to the offense, by *confinement to the solitary cell*, or by *stripes*, at his discretion: Provided, *That in no case shall the number of stripes exceed ten for the same offense at any one time; nor the confinement exceed forty-eight hours at one time for the same offense.*' (See H. R. No. 4088, vol. 2, page 1311; No. 1806, sec. 4, Statute Law.)

"I have had no opportunities of absolute personal knowledge, but from very general observation should decide that this prison is under a free discipline. In relation to punishments, I find the following rule laid down by the present keeper for the direction of the officers: 'The prisoner offending must be committed to the dark cell till the co-operation of the keeper can be conveniently had, as the inflicting of corporeal punishment by an assistant, without the advice of the keeper, is positively forbidden.'

"DIET.—The food seems of good quality, and afforded in sufficient supplies. It is coarse, but substantial and wholesome. 'Allowance, 1½ lbs. bread, made of corn meal. Meat, if bacon, ¾ lb.; if beef, 1½. Rye coffee, without sugar, for breakfast. They are furnished with vegetables in their season, two or three times a week; Irish potatoes, turnips, and cabbages, are supplied in abundance. Soup is served often, made of beef, potatoes, cabbages, and turnips, at which times the quantity of meat is lessened, but bread not. They are supplied with buttermilk during summer and autumn; and a special diet is allowed to the sick.' (See Physicians' report, 1846.)

"The prisoners eat in common, and in a temporary shed not impervious to the weather, since the destructive fire before referred to. An eating-room is to be built shortly, or in course of another year.

"CLOTHING.—The clothing of the convicts seems sufficient for general comfort, and I have observed that the apparel wears a decent appearance as respects wholeness; most of the labor engaged in would be an impediment to cleanness, as a daily rule.

"HEALTH.—The general health of the prison seems to be good. There have been few severe cases in the hospital of late, and one usually sees there only the feeble and infirm. The report of the attending physicians, (who visit daily, and oftener if requisite,) shows during the year past 215 cases under treatment, and one death only, amongst all the prisoners. At the close of 1844, there were in confinement 151; received into the prison during the past year, 75; discharged by expiration of sentence, pardons,

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and one death, 50—leaving, at the commencement of 1846, in confinement, 176.

“INFIRMARY.—This very inconvenient and uncomfortable room should be replaced by a commodious, dry, and airy apartment, in the most quiet part of the yard, and so planned as to afford to the physicians and nurses facilities for the proper treatment and care of the sick, which the present apartment fails to give in any one particular. It is a low, dark, damp, triangular room, out of repair, and the sooner out of use altogether, the better for all parties. This room, squared, is about 18 feet by 32. In it at one time, were thirty-nine men ill of measles!

“INSANE.—But two in this prison; one not a convict; comfortable.

“THE GUARD-ROOM is over the Infirmary, and is equally ill-placed, inconvenient, uncomfortable, and unsuitable for the purposes it is made to serve.

“WATER.—There is an ample and unfailing supply of pure water immediately without the walls, which is available, if necessary, as well as within the prison bounds. But one of these wells, at present, affords pure drinking water, through want of care in cleansing them. If this were done, and a few repairs directed, ample protection, so far as supplies of water are considered, would be afforded in the event of a conflagration, for the pumps would discharge as much water as the engines could throw per minute. But in addition, at a *very trifling cost*, several tanks could be constructed within each building, on the second floor, and supplied as is often done in public buildings, with rain water from the roofs; this would be an additional means of security. As good carpenters and coopers, if needed, are on the ground, a *very small* outlay of expense would complete these precautionary measures. The Kentucky prison has decided advantage, in this respect, of full supplies of water, over almost every prison in the country, except those ordered on the separate system, where full supplies of water are invariably conveyed into, and through the water courses of every cell.

“BATHS.—None, either warm or cold; only present means of bathing probably not adopted, viz: immediately under the pump. Several basins and buckets on benches afford the means of washing the face and hands. No cleansing room for prisoners when admitted, or afterward; of course, there is no bath for the sick, should such be recommended by the medical adviser. As this accommodation, this *necessity* rather than luxury, could be supplied here by an exceedingly trifling outlay of labor and money, it is hoped it may be speedily furnished for the advantage of every prisoner in the penitentiary. I cannot but refer to the admirable arrangements by which these benefits are secured to the prisoners in the Eastern penitentiary, at Philadelphia.

“‘The mode adopted,’ writes the late excellent warden in last year’s re-

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port, 'is attended with very little expense, and is as follows: The daily escape-steam from the engine is passed into a tank containing about eighty hogsheads of water, which thereby is uniformly maintained at a temperature of 90°.' This water, heated without expense, is conveyed through pipes into the bathing cells, 'where each prisoner is furnished with fresh supplies of water, towels, and soap.' Fifteen or twenty minutes suffices for bathing, and this might be done, I conceive, not only without disadvantage to the prison through loss of time, but would secure a positive gain; for who does not know that the physical energies are quickened, and the mind by sympathy, refreshed, through the invigorating appliance of water. In the prison above referred to the prisoners use the warm bath once a week, and the cold daily, if inclined.

"VISITORS.—It has seemed to me that the interests of this institution imperatively require some check upon the indiscriminate admission of visitors, who, conducted solely by idle curiosity, resort to the prison, stroll through the yards, linger in the shops, gaze at and make audible remarks upon the prisoners, and finally retire, having imparted no good, and it is to be feared have exercised while there the reflective faculties too little to have received any. There are prisoners who suffer seriously from this reckless scrutiny and heartless observation; there are others who, indifferent and hardened, become yet more callous to their own degradation and unfortunate condition; there are none, I boldly assert, who are made the better by it.

"But aside from the moral influence, it is also adverse to the interests of the State and of the lessee. At times the concourse gives serious inconvenience to the officers, and interrupts and retards employment. All persons are admitted who make the request civilly, but it would appear that some check is desirable. I greatly disapprove of making an *exhibition of crime and misfortune*. If general visitors are received, I suggest that the sum of ten and twenty cents be required for the admission, severally, of children and adults; that a record be kept of the number of those who enter, and that the proceeds thereof be appropriated, not to the treasury of the State, or profits of the keeper, but to the use of the prisoners, making a division quarterly, and allowing each who has not forfeited claim to indulgence by extreme ill-conduct, to have the same expended for books, which he may own himself, irrespective of the library; or allow to increase by quarterly additions, to be sent either to his needy family, or to furnish him with an additional sum at the time of his discharge, to the *five dollars* granted by law. I do not doubt that the clerk of the prison would cheerfully add this to his other duties, although his office is no sinecure; and the lessee of the penitentiary has so often expressed wishes for advancing the good of the prisoners by all reasonable methods, that to doubt his hearty concurrence would be to impugn his sincerity; and beside, he is

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fully sensible of the need of a check upon the present influx of strangers within the walls.

“I would suggest that all officers of the State, the Executive and Cabinet, the members of both branches of the Legislature, State commissioners, judges of the courts, and the grand jury, be regarded as official visitors, for whom the prison is at all times to open for visitation and inspection. Also, that the sheriffs of counties, and keepers of jails, as well as the relatives of the prisoners, under such restrictions as the keepers shall deem necessary, shall be admitted without fee. To these, of course, would be added all strangers who should visit the prison from motives arising out of a desire for knowledge upon prison discipline, all ministers of religion, and persons competent to give instruction, at suitable times.

GENERAL, MORAL, AND RELIGIOUS INSTRUCTION.—Inquiries in the prison as to what has been attempted and is now doing under these three heads, have been very unsatisfactory. Referring to the Statutes, I find recorded from time to time, the passage of acts providing for the instruction of convicts in the penitentiary, which afford evidence that the Legislature have for years been mindful of the improvement of the prisoners, and of their present and future well-being. No adequate appropriation has been made for securing the uniform services of a chaplain, who might unite here with special advantage, the offices of spiritual, moral, and mental instructor. In the Statutes, vol. 2, II. R., page 1315, No. 1829, A. D. 1829, the ‘keeper is directed to procure, if possible, *one sermon to be preached by a regular minister of some religious denomination on each Sabbath*, and cause the convicts who are unlearned in *reading, writing, and arithmetic*, to be taught in one or other of those branches, *at least four hours on each Sabbath day*, and the keeper shall cause the convicts to be locked up in *separate cells*, during all the balance of the Sabbath day not occupied in hearing, learning, or eating their regular meals: *Provided*, That the whole cost of such teaching and preaching, including guarding and all expenses, shall not exceed in the whole, two hundred and fifty dollars per annum.’ See also Statutes, Senate, vol. 3, page 490. ‘The sum of two hundred and fifty dollars shall be *annually expended* for the *moral and religious* instruction of the convicts,’ approved February 24th, 1839. This is certainly explicit enough, and I should argue that being enacted without reservation as to objects, subsequent to the Statute before quoted, was to direct expressly and solely the sum of \$250, to be paid for the moral and religious teaching at the prison.

“The keeper of the penitentiary has made it his duty to secure as steadily as possible the services of several of the resident clergymen of Frankfort on every Sunday P. M., for a religious service. The duties of these gentlemen, in connection with their respective congregations, render it not practicable for them to adopt a regular course of daily visits at the prison, though I have reason to know this is a work in which they would

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engage with much earnestness. There is no qualified minister or teacher, therefore, connected with the prison, rendering there those constant offices of moral and religious influences, as is now almost the universal usage in large prisons. It is true, that the officers of the prison exert no counteracting influences, but it is believed quite the contrary: yet, neither their duties, nor in general their habits of study and thought, qualify them for teachers and chaplains, especially where so much tact is requisite to secure the regard and serious attention of the convicts."

CRAIG & HENRY'S THIRD ANNUAL REPORT.

"In conformity to the law under which we became keepers of the penitentiary, and in accordance with established precedents, we have the honor to submit the following report of its general condition, business operations, &c.:

"During the last session of your honorable body, a law was passed, authorizing his Excellency, the Governor, to purchase a certain lot of ground adjoining the penitentiary, and belonging to A. P. Cox, Esq., which was accordingly done, at a cost of *two thousand four hundred dollars*.

"It was also ordered that the commissioners of the sinking fund be authorized to contract with the keepers of the penitentiary to inclose said lot with a good and substantial wall, so as to include said lot within the prison limits. This contract was closed at the low price of four thousand seven hundred and thirty-one dollars, and we are happy to inform your honorable body that the work is now complete, and present it for your inspection. We found it very difficult to sink the foundation early in the season, on account of the interference of water, which difficulty was overcome at last by an increased amount of bailing. The wall now stands on a foundation six feet broad at its base, and five feet below the surface of the ground; its thickness, at the surface of the earth, is four feet; height, twenty-five feet, and battered on both sides to two feet thick at the top. We have found it an unprofitable job; for, after deducting the actual cash paid to masons, extra guards, hauling of stone, wood for burning lime, powder, &c., there is left only about twenty-five cents per day for the labor of each convict, from which the expense of board and clothing should be deducted, in order to arrive at the net profit which the institution will realize for its labor; and although the institution is but little benefited in a financial way by the job, yet the Commonwealth makes but the more by getting the work done at a low price, and the keepers the less, for the same reason; still, we have the happiness to say, the work is done 'even as thou hast commanded.' In regard to the eating room and chapel, we have to say, that the contract for this building is closed with the commissioners of the sinking fund, the foundation laid, and so soon as the weather will permit in the Spring, it will be completed without delay.

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The airing and lighting of the cells, by inserting eight large windows, has been done in obedience to an order of the commissioners of the sinking fund, which proves to be an excellent improvement. The female prison, which was in progress of building at your last session, has also been completed, and is ready for your inspection; it is very strong, and entirely fire-proof.

“The accompanying report of our worthy clerk will show the financial condition of the institution, which we find to be some better than we had feared it would, from the fact that the principal branch of business carried on in the institution, from which the much greater portion of the profits of former years have been derived, to-wit: the manufacture of bagging, has dwindled down to almost nothing; and the net profits arising from that important branch have been exceedingly small—little or nothing. We are happy to inform you, however, that we have not made the first dollar of bad debts in the sale of that article. We have been buying hemp at from \$2 50 to \$3 per hundred weight, and have sold bagging at from 7 to 8½ cents per yard; and, while we have been buying hemp at the same prices which other manufacturers have paid, we have been able, in consideration of the quality of our manufactured article, to not only find a market, and a preference given our article, but, also, a better price than many have been compelled to sell at, and at the same time pick our purchasers; and, whilst we have barely sustained ourselves in that branch, many of our brother manufacturers have been crushed to ruin by the low prices at which they have been compelled to sell. In regard to the manufacture of hemp, in future, we are not fully determined as yet; but will certainly avoid it as far as practicable. Many, indeed, of the other branches of manufactures in the institution are affording so little profit, that we shall be compelled to abandon some of them if we can possibly find a substitute by which to do better.

“We have the happiness to report the institution at this time almost entirely without disease. (See the report of the prison physicians, herewith accompanying.) To Doctors L. & W. C. Sneed we feel to be much indebted for their prompt attendance and faithfulness in the discharge of their duties as physicians to the prison, for notwithstanding we have had many doubtful cases of sickness during the year, all have recovered save two.

“The prison at this time seems to enjoy a high degree of good health and cheerfulness. We have availed ourselves of every possible means in our power to carry out the wishes of the Legislature, and every true philanthropist, in regard to the moral and religious instruction of this unfortunate portion of our race; and we most heartily acknowledge that it is a source of much gratification to us, to see the manifest disposition on the part of nearly all the prisoners to conform to law and good morals; submitting to the laws of the prison with that character of submissiveness

which ought to be gratifying to every true lover of man, and we cannot withhold an expression of our gratitude to the Giver of all good for the success we have been permitted to attain in our undertaking to advance the moral condition of these, our unfortunate fellow-beings.

"We look forward with pleasure to a day early in next season, when we will be prepared with a suitable school-room and chapel, where we can, on suitable occasions, carry on the work of moral and religious instruction more perfectly, and where those ministers of the different denominations, who have labored with us, can be rendered more comfortable than we have been able to make them heretofore, while they further aid us in the most pleasant part of our duties; and although we feel perfectly assured and safe in saying that a fair proportion of our best energies have been engaged constantly in trying to promote the moral and religious interests of the prisoners, yet, for want of suitable buildings, and other means, we have not been able to do what we would wish; but sufficient provision having been made, we most confidently promise to present to your honorable body, at the meeting of your next session, their condition in a much more favorable light. Ministers of the different denominations, of our town and its vicinity, generally, have contributed to aid us in advising the prisoner for his good, to whom we feel to be thankful.

"The officers and guard of the prison have generally performed their several duties with marked fidelity, and a strict observance of the rules, endeavoring alike to induce, by moral example, that which they are called upon by precept to enforce.

"The correctness of the report of our finances and book accounts generally, as presented by our worthy and efficient clerk, C. S. Waller, Esq., we most heartily indorse; and feeling, as we do, the most perfect confidence in his capacity, vigilance, industry, and integrity, we venture to predict that what he has said in his report will turn out to be correct, and that no serious difficulty will ever arise for want of faithfulness or competency on his part. Him you can always find at his post, ready to explain any matter relative to our accounts, to the satisfaction of any who may desire it.

"There are some other matters connected with the interest of the institution which do not properly belong to this report, which will be made known to your honorable body through your committee.

"Should you desire any further information on any point connected with the institution, you have but to make it known to us, and with all possible dispatch it shall be furnished you.

"There are many matters connected with the management, regulations, and discipline of the prison, which would, doubtless, be interesting to your members; and a personal visit, at your leisure hours, might be rewarded by various subjects of inquiry and observation to be found within the prison walls. The members of both branches of the Legislature are re-

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spectfully invited to visit us as often as their engagements may permit; every officer connected with the institution will take pleasure in contributing to their information in any branch of business in the institution, or in the administration of its affairs; and, indeed, we not only invite, but anxiously solicit your presence, and will most gladly hear from any gentleman any suggestion having for its object the advancement of the interests of the institution. All of which is most respectfully submitted.

"CRAIG & HENRY,

"Agents and Keepers Kentucky Penitentiary."

CLERK'S REPORT.

"OFFICE KENTUCKY PENITENTIARY, }
"Frankfort, December 10, 1846." }

"MESSRS. CRAIG & HENRY:

"GENTLEMEN: Herewith you have statements marked A and B, showing the business operations of the institution during the past year, ending the 1st instant, and its financial condition on that day.

"Also, exhibit C, containing sundry tables, showing the number of prisoners received and discharged during the year; the present number of inmates, the crimes for which they were convicted, their terms of sentence, county sent from, place of nativity, ages, education, previous habits, social relations, &c., &c., information which it is thought may not prove uninteresting to the members of the honorable, the General Assembly.

"Respectfully,

CHARLES S. WALLER,

"Clerk Kentucky Penitentiary."

(A.)

A Statement showing the expenditures of the Prison from the 1st day of December, 1845, to the 1st day of December, 1846, viz:

For raw materials: Hemp, lumber, iron, leather, &c., &c.	\$29,375 02
For provisions: For victualing prisoners	5,719 57
For clothing: For clothes and bedding for prisoners.....	1,281 63
For fuel: Wood and coal for engine, blacksmith's shop, kitchen, &c.....	2,473 74
For hauling: Wagons hauling hemp, stone, lumber, wood, &c.	1,800 56
For salaries: Pay of officers, physicians, and guards	4,387 35
For liberation money: Cash paid to prisoners on liberation, \$5 each, as directed by law.....	285 00
For tools, &c.: Tools, and implements of trade for workshops.....	966 41
For building materials: Brick and lumber for new buildings	388 24
For water privilege: Cash paid town of Frankfort, water privilege for use of engine, and for repairs of pipe.....	68 70
For traveling expenses: For traveling expenses to various points, including trip East, on business of the institution.....	227 55
For ferriage, &c.: Cash paid ferriage and turnpikeage for wagons, hauling stone, hemp, &c.....	176 02
For hospital: Medicines and medical instruments for use of prison hospital	60 69
For escapes: Rewards and expenses incident to arrest and return of escaped convicts	83 45
For lot purchased: Lot purchased for extension of prison wall, as authorized by act of Assembly.....	2,400 00
For masons: Cash paid stone masons engaged in the erection of prison wall.....	836 63
Amount carried forward.....	\$50,530 56

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Amount brought forward.....	\$50,530 56
For moral and religious instruction: Ministers of the Gospel, and others, for the moral and religious instruction of the prisoners, as directed by law.....	237 35
For stationery for use of office.....	52 20
For printing: Office blanks, advertisements, &c.....	44 37
For postage: Letters sent and received on business of institution.....	9 05
For tobacco: For use of prisoners, as directed by law.....	166 25
For oxen: Two yoke of oxen purchased for use of prison.....	75 00
Total.....	\$51,114 81

Which has been discharged as follows:

By Craig & Henry, advanced for institution.....	\$2,311 20
By cash received for the sale of bagging and baled hemp, and for the manufacture of bagging.....	30,299 11
By cash received for the sale of articles at the prison.....	6,287 47
By cash loaned by the State, per act approved Feb. 23, 1846.....	6,000 00
By cash received for lock up fees, for the safe-keeping of slaves.....	195 01
By barter—manufactured articles given in exchange.....	6,022 03
	\$51,114 81

(B.)

A Statement showing the resources and liabilities of the Prison on the 1st day of December, 1846, viz:

RESOURCES.

Accounts and notes against sundry individuals.....	\$13,931 51
Accounts against the Commonwealth, viz:	
Balance to debit of old account.....	\$6,953 38
Account for the erection of new wall, in extending area of prison, as authorized by act approved 23d February, 1846.....	4,731 00
Account for excess over \$10,000, for buildings erected in 1845 and '6, under act approved 10th February, 1845—subject to approval of the Legislature.....	671 11
Total amount against the Commonwealth.....	12,355 49
Bagging in hands of commission merchants, on consignment, estimated as follows:	
47,400 yards bagging, at 7 cents.....	3,318 00
Stock on hand: Raw materials and manufactured articles, inventoried at.....	8,152 00
Total resources.....	\$37,757 00

LIABILITIES.

To Craig & Henry, balance to credit of account for advances to institution.....	\$11,707 47
To various individuals, for hemp purchased on time, by written permission of the Governor.....	6,242 32
To various individuals, for sundries furnished institution— <i>accounts not rendered</i> —estimated at.....	7,418 37
To the officers and guards of the prison, salaries due and undrawn.....	2,454 62
To amount of "old stock" received from the late keeper, sold and used.....	354 68
To 300 pieces of bagging due Gen. Wm. Johnson, purchased and paid for by him, and not yet delivered.....	2,100 00
Total liabilities.....	30,277 46

Leaves a balance in favor of the institution, on the 1st day of December, 1846, of **\$7,479 54**

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(C.)

The following tables are given to show the number of prisoners received and discharged during the past year; the present number of inmates, their crimes, sentences, nativity, education, ages, previous habits, social relations, &c., viz.:

Number of prisoners in confinement on the 1st day of December, 1845, as per report of last year.....	176
Received into the prison from the 1st day of December, 1845, to the 1st day of December, 1846.....	71

Making..... 247

The number discharged during the same time is as follows:

By expiration of sentence.....	32
By pardon of Governor Owsley.....	22
By restoration to the rights of citizenship, by pardon of Governor Owsley, one day previous to expiration of sentence.....	3
By death.....	2
By escaping.....	1

Making..... 60

Leaving in confinement on the 1st day of December, 1846..... 187

Of the above number there are:

White males.....	166
Colored males.....	21

Total..... 187

CRIMES.

Manslaughter.....	13
Burglary.....	9
Larceny.....	72
Horse stealing.....	32
Assisting slaves to run away.....	8
Felony, (particular offense not stated in clerk's transcript of conviction).....	12
Intent to kill.....	4
Passing counterfeit money.....	13
Forgery.....	3
Highway robbery.....	4
Arson.....	3
Counterfeiting.....	3
Perjury.....	3
Bigamy.....	2
Rape.....	2
Mail robbery.....	1
Poisoning.....	1
Stealing slaves.....	1
Mayhem.....	1

Total..... 187

COUNTIES SENT FROM.

Allen.....	1
Breckinridge.....	6
Barren.....	2
Ballard.....	1
Boone.....	2
Bracken.....	2
Bullitt.....	1
Christian.....	3
Clay.....	1
Clarke.....	2
Campbell.....	4

Amount carried forward..... 25

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Amount brought forward	25
Carroll	1
Davies	1
Estill	1
Fayette	6
Fulton	2
Gallatin	2
Greenup	1
Hardin	2
Hickman	2
Hopkins	4
Harrison	1
Henry	1
Henderson	1
Jefferson	24
Jessamine	1
Kenton	4
Livingston	5
Laurel	1
Lincoln	2
Logan	4
Madison	2
Mercer	3
Mason	5
McCracken	1
Meade	1
Monroe	1
Morgan	1
Nicholas	1
Ohio	1
Owen	1
Pulaski	1
Russell	1
Scott	4
Shelby	1
Simpson	2
Washington	5
Warren	1
Wayne	2
Whitley	1
United States Court	1
Total	<u>157</u>

TERM OF SENTENCE.

For 4 years	39
For 3 years	33
For 2 years	25
For 10 years	15
For 1 year	19
For 5 years	11
For 6 years	10
For 7 years	10
For 8 years	7
For 40 years	3
For 9 years	2
For 15 years	1
For 1 year and 6 months	1
For 3 years and 4 months	1
For 22 years	1
For 2 years and 6 months	2
For 12 years	1
For 1 year and 1 day	1
For 4 years and 6 months	2
Amount carried forward	<u>183</u>

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Amount brought forward	183
For 5 years and 6 months	1
For 3 years and 6 months	1
For 1 year and 10 months	1
For 6 years and 6 months	1
Total	187

NATIVITY.

Kentucky	48
Virginia	26
Pennsylvania	20
New York	13
Ohio	10
Tennessee	9
Ireland	9
North Carolina	8
Maryland	7
South Carolina	5
District Columbia	3
England	3
Alabama	2
New Jersey	2
West Indies	2
France	2
Arkansas	1
Germany	4
Indiana	5
Georgia	1
Massachusetts	1
Delaware	1
Scotland	1
Maine	1
Vermont	1
Mexico	1
Africa	1
Total	187

EDUCATION.

Superior, or those who have a classical or scientific education	3
Good, or those who have had the benefit of a general English education	20
Common, or those who can read, write, and cypher	49
Poor, or those who can only spell and read	53
None, or those who are entirely destitute of education	62
Total	187

AGES.

From 15 to 20 years	20
From 20 to 30 years	87
From 30 to 40 years	44
From 40 to 50 years	19
From 50 to 60 years	14
From 60 to 70 years	2
From 70 to 80 years	1
Total	187

PREVIOUS HABITS.

Habitually intemperate	62
Occasionally intemperate	95
Temperate	30
Total	187

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SOCIAL CONDITION.

Unmarried.....	4
Married.....	33
Widowers.....	11
Separated.....	3
Total.....	51

CHAS. S. WALLER, *Clerk Ky. Penit.*

OFFICE KENTUCKY PENITENTIARY, Dec. 10, 1846.

PHYSICIANS' REPORT.

"The undersigned, physicians to the Kentucky penitentiary, would most respectfully report, that they have discharged their duty, and present the following as a statement of the condition of the institution during the past year, so far as relates to disease. An unusual amount of sickness prevailed during the year, as may be seen by the following statement. The number of cases, and the forms of disease, are as follows, viz:

Asthma.....	1
Bronchitis.....	4
Catarrh.....	24
Cephalalgia Periodica.....	14
Constipation.....	37
Cholera morbus.....	9
Diarrhea.....	35
Dislocation of hip joint.....	1
Epilepsy.....	3
Fever, intermittent.....	10
Fever, continued.....	2
Fever, typhoid.....	9
Fistula in ano.....	1
Furuncle.....	14
Hæmorrhoids.....	11
Hernia.....	1
Incised wounds.....	5
Ophthalmia.....	63
Consumption.....	1
Pneumonia.....	11
Pleuritis.....	6
Rheumatism, acute.....	21
Rheumatism, chronic.....	16
Tubercles of the brain.....	1
Total.....	304

"Of the above, 47 were diseased when brought to the institution, and consequently had to undergo medical treatment before they were fit for service.

"Two deaths occurred during the year, one from consumption, and the other from tubercles in the brain—a very rare and obscure disease.

"There are no idiots nor insane prisoners in the institution, and not more than five or six persons unfit for service. An old German, afflicted with chronic rheumatism, is now, and has been for many months, in the hospital; and from the nature of his disease, being incurable, must continue to be a tax on the Commonwealth as long as his confinement lasts. Another man, with chronic ophthalmia, which he had when admitted, and

 1844 to 1855—Craig & Henry, Keepers.

which is incurable, must also be a tax to the State during the term of his sentence.

“Ophthalmia prevailed as an epidemic during the summer and fall, and attacked about one third of the inmates. Owing to the want of proper hospital arrangements, the disease was exceedingly difficult of management, and caused great loss of time, and much suffering to the patients. The sick of other diseases, and those with ophthalmia, were necessarily kept together; the consequence of which was, the patients, on recovering from one disease, were almost sure to be attacked with ophthalmia, and had to undergo another course of treatment, in many cases protracted to months.

W. C. SNEED, M. D.,
 “LEWIS SNEED, M. D.,
 “Physicians.”

VISITORS' REPORT.

“*To the General Assembly of the Commonwealth of Kentucky:*

“In accordance with the requisitions of the 18th section of ‘An act concerning the penitentiary,’ approved 18th March, 1843, the undersigned have visited the institution and examined into its condition.

“Visits were made on the 18th March, 30th April, 30th May, 24th June, 18th July, 22d August, 25th September, 31st October, 30th November, and 24th December.

“The committee are pleased with the general management of the concern. The work-shops are well arranged and comfortable, and the yard and cells are kept neatly, considering the amount of dirt and rubbish necessarily created by the extension of the walls, which was done during the last year.

“The eating establishment is in about the same condition that it was last year, and cannot be materially remedied until the completion of the new building which is intended for that purpose; it is contracted for, but will not be built until the ensuing spring and summer.

“The committee have been much more minute and particular in their examination of the cells, bed-clothing, &c., during the past year than previously. They found, at the beginning of the year, some cause of complaint, but they are pleased to say that in these particulars there has been a manifest change for the better; and they take especial pleasure in saying that whenever any thing, in their opinion, needed amendment, the keepers, upon being informed of it, immediately carried out their wishes.

“The health of the inmates has been very good during the last year.

“H. I. BODLEY,
 “BRYAN Y. OWSLEY,
 “JAMES DAVIDSON,
 “THOS. S. PAGE,
 “Visiting Committee.

“FRANKFORT, 2d January, 1847.”

1844 to 1855—Newton Craig, Keeper.

Col. Wm. Henry, the partner of Capt. Craig in the management of the penitentiary, did not remove to Frankfort after his election, and after the fire in 1844 became so much discouraged by the difficulties resulting from that disaster, that he gave but little aid in its future management. In 1845 he declined all further connection with Capt. C. in the partnership, and in 1847 died at his residence in Christian county, Ky.

In February, 1847, the Legislature passed the following act, with the preamble preceding:

"WHEREAS, It is represented to the present General Assembly, that Wm. Henry, one of the keepers of the penitentiary, has departed this life, and doubts arising under the provisions of the law under which the keepers of the penitentiary were appointed, whether the contract with said keepers is not terminated by the death of said Henry—

"Be it enacted, &c., That the contract made with Craig & Henry, keepers of the penitentiary, shall be, and the same is hereby declared to be in full force, and shall be continued with said Newton Craig for the term for which said Craig & Henry were elected as aforesaid keepers of the penitentiary; upon condition, however, that said Newton Craig shall, within one month from the passage of this act, renew his bond, with good security, in the same penalty and the same conditions that were required by the act under which he was originally elected, to be approved of in the same manner as required by said act."

This bond was promptly given by Capt. Craig, and from henceforth all the business transactions of the institution were done in his name.

At the same session an act was passed authorizing the building of a house for a blacksmith shop within the walls, not to cost over two thousand dollars; a sewer across the yard not to cost over two hundred dollars, and to allow the keepers \$671 11 for work done on the buildings already erected, and the further sum of \$390 for filling and leveling up the new part of the yard of said penitentiary.

This seems to be the only legislation done at this session relating to the penitentiary.

Col. Wm. HENRY was a native of Scott county, Ky., the son of Gen. Wm. Henry, who emigrated at an early day to Kentucky, from Virginia.

In his 19th year, Col. Wm. Henry entered the service of his country, as a lieutenant, in the regular service, in Col. Owsley's regiment.

He served through the war of 1812 and '14, and distinguished himself in several engagements on the northwestern frontier, as a brave and intrepid soldier. After the close of the war he married and removed to Christian county, Ky., where he continued to reside, devoting himself to agricultural pursuits to the time of his death, which occurred in 1847, in the prime and maturity of manhood and usefulness.

He was a man of strict integrity and great moral worth; esteemed for his virtues, and his strict fidelity to all the trusts confided to him by his fellow-men.

Many of his family reached distinction in life: among them two brothers who were members of Congress from Kentucky, and another, Major G. A. Henry, of Tennessee, not less distinguished as an orator and statesman.

1844 to 1855—Newton Craig, Keeper.

NEWTON CRAIG'S FIRST ANNUAL REPORT.

"To the Honorable the General Assembly of the Commonwealth of Kentucky:

"As the agent and keeper of the Kentucky State prison, in obedience to law, I hereby submit the following report:

"Having been by your honorable body intrusted with the care of this important institution, I have felt, and still feel, deeply impressed with the great responsibility resting upon me. Animated, as I trust I have been, by a desire to make good the confidence reposed in me, and prompted by a belief that much in regard to the future destiny of the inmates of this institution depends upon a proper discipline, I feel called upon, not only to state the course which I have uniformly pursued, but also to offer some views in regard to the true policy to be pursued, in order to ameliorate the condition of this unfortunate portion of our fellow-beings.

"Having had some experience in prison discipline, prior to my entering upon the arduous duties of my present station, I determined, as far as possible, to resort to a mild, gentle, and persuasive course, taking care to set, and have set, before the prisoners, an example of morality and uprightness, such as would bear their closest scrutiny; believing that a more salutary influence might be exerted over the minds of the prisoners by such a course, than could be done by one of an unfeeling and rigid character, such as had been the practice in some of our prisons in by-gone days. Men may be driven to desperation, but scarcely ever to reformation; they may be persuaded, by precept and example, to be better men, but no where have we heard of their being driven to it. Have we not seen even the furious tiger lick the hand that fed him, and the most dangerous animals domesticated by a continual course of kind treatment and skillful management? It is true, that a judicious and well regulated discipline must be adhered to; but, in its every feature, it must bear the impress of justice, equality, and sound reason. And 'I have been extremely careful not to enforce a rule that I could not give the clearest reason for the propriety of, and which had not for its object the advancement of the best interests of the inmates of this institution; and I take pleasure in saying, that from such a course I have more than realized my every expectation. When the prisoner first enters the institution, then is the time above all others to make an appeal to his feelings and judgment, and to arouse in him his powers of reflection. He enters, 'tis true, disheartened, disconsolate, disgraced. Then, if you abuse him, deal unjustly with him, or oppress him, you make a demon of him. While, on the other hand, if you will tell him, and labor to make him sensible of the truth of your assertion, that you are his friend as well as his keeper, and that you feel deeply for his situation, and desire his well-being, while in all your course towards him you labor to induce him to turn that into a blessing which of all others he conceives to be the greatest curse that has ever befallen him, you will have made some advance towards gaining his confidence. Hav-

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ing gained that, it will not be so difficult to persuade him that it is in his power to turn that into a great blessing which he esteemed his greatest misfortune; you may then inspire him with a determination to reform his life, and be a better man, by calling his attention to the fact, that it is written, 'the way of the transgressor is hard; that he that stiffeneth his neck against reproof, shall suddenly be destroyed, and that without remedy;' and that the tendency of his course is to eternal ruin. Ask him what he has gained by doing wrong, and what he has lost by not doing right? Labor to point out to him the path of rectitude, not only by precept, but also by example. Impress him with the truth, that the same blood which runs through his veins runs also through yours. Tell him he is your fellow, and, therefore, you feel interested for him. Tell him, that while he is accountable for his conduct as a prisoner, that the law holds you accountable also as his keeper, and that a *Just God* holds both accountable, both keeper and prisoner. Tell him, that while it is made your duty, as the officer of the law, to keep him confined in prison, that the law no where forbids your sympathizing with him. Tell him that you do sympathize with him, while you urge upon him the importance of cheering up his spirits, and forming the noble resolution that he will reform his life, and turn from the folly of his ways. Tell him, as a reason for this advice, that peace and true happiness can be found nowhere but in the paths of rectitude.

"These, gentlemen, are some of the principles by which I have been governed, and in my humble judgment they have worked well. True, there may be cases where persons, long addicted to crime, have their moral sensibilities so blunted as to render them scarcely susceptible of a single good impression; still, I declare to you, that I have scarcely met with one entirely hopeless case in the past four or five years. And, in the many attempts which I have made at making good impressions upon the mind, I have in no case failed at least to make better prisoners of the men. The most difficult cases are those of despairing recklessness; and how, I ask, are those, the greatest of difficulties, to be overcome? I answer, first by begetting in them hope. This happy work is begun, first, by inspiring them with a belief that at the hands of their keeper they may expect justice, and that in him, at least, they have a friend. The convicted, imprisoned man, esteems himself contemned and despised of all men. He looks upon the family of man, generally, as his enemies. He expects nothing at their hands, and like wicked Cain, he suspects that every man will seek to slay him, or that he, at least, can no more expect to get justice at their hands. As an instance of this, I will relate the case of a poor, miserable being, who came to this prison some time last season, who determined to do some desperate deed by which his own destruction should be brought about. He was a man of about fifty years of age, who had for a long time indulged in the too free use of ardent spirits, 'till not only the peace of his

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family and friends were measurably destroyed, but, under its influence, he had been led to the commission of a high crime, and was convicted, sentenced, and brought to this prison. While on his way here, he declared to the sheriff, in whose custody he was, that he would kill the keeper and thereby insure his own execution.

"These facts were promptly made known to me by the sheriff on his arrival, and I took the case immediately into hand; and, while I admit that I doubted for a time that severe punishment would have to be resorted to, I now have the pleasure of saying that he has received not a stripe nor any thing of the sort, save some close lectures and feeling advice. This man, I am constrained to believe, could now hardly consent to become the murderer of one whom he esteems his best friend, and from whom he looks for friendship such as he can expect at the hands of no other. I ask what was the object in founding an institution like this? No doubt its founders must have had in view the punishment of crime, and as an example to others, to deter them from the commission of a like offense, and the same individual from the commission of another. But I trust, and will even dare affirm, that they had another object in view, a higher and more noble one, viz: the reformation of the criminal. And who does not know that affliction sometimes, yea, oftentimes, is productive of the best of results, as in the case of the prodigal son, who, it seems, never came to himself till sheer necessity and the fear of death by starvation drove him to reflect.

"Many, I find, have become the unfortunate inmates of this house of correction, who at one time could have scarcely conceived such a thing; but here they are, and their friends know by sad experience how to appreciate a well regulated discipline; the great lever, or rather the main spring to action, has been brought to bear upon them, for they are now interested. When the wretched criminal first enters the penitentiary, too much care cannot be taken in giving his mind a proper direction. At that important period, I am persuaded, the work may be done, if ever.

"Then, if he is brought under a proper discipline, and proper examples are set before him, he will be sure to be benefited. And it soon becomes unnecessary to keep him in confinement longer than a vindication of law may require. The remainder of this happy work is to be accomplished by his friends, his neighbors, and the community by which he is surrounded. They should treat him kindly, and deal with him as a kind father would a returning prodigal son. They should forgive him his wrongs, and labor to induce him to do wickedly no more. If a contrary course, however, is pursued towards him, notwithstanding much may have been done towards reforming him while in prison, he may again be driven to a repetition of crime, and his last state will be rendered worse than his first.

"We have preaching in the prison regularly every Sabbath. The Rev. Mr. Robinson, pastor of the Presbyterian church, and the Rev. Mr. Good-

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man, pastor of the Baptist church, together with some others of the different denominations, have contributed to our aid. To the above named gentlemen I feel to be much indebted for their kind efforts in aiding in the advancement of the prisoners' interest. Others have been solicited, and, I am induced to believe, will soon engage with them also.

"Since the completion of our chapel, we have organized a regular Sunday school, under the superintendence of the officers of the prison, aided by several of our worthy citizens, who have kindly tendered their services. More, we trust, are coming to our aid.

"The school is so organized that we avail ourselves of the aid, also, of such of the prisoners as are competent to teach; and I confidently look forward to a time not far distant, when the influence to be exerted by the Sabbath school will be both seen and felt.

"Our library is yet too small by at least one-half. The most of the books on hand were selected by the excellent Miss D. L. Dix, and are well suited to the use of the prison. The only objection is that we have not enough of them, particularly the bible and spelling books. They are well taken care of, and a library would last without renewing for many years. I am pleased to be able to report that the prisoners seem generally to take great interest in the care and use of the books. I have increased their number a little at my own private expense, besides some books which have been given us by several friends of the institution.

"By an act of the Legislature at its session of '45-'6, the keeper of the penitentiary was authorized and ordered to erect in the prison, several buildings and other improvements, all of which have been done, with the exception of the cistern, which will be completed early in the spring. The eating house and chapel, (a two story brick building forty by eighty feet,) is now complete and in use, and is now offered for your inspection. The blacksmith shop, a two story building, with several forges in operation, a stone shed forty by eighty feet, a wash house eighteen by twenty feet, a sewer complete two feet square under ground, running across the entire yard, with some other improvements indispensable, are all now complete and in use, and offered for your inspection. We have not been visited this season with more than an ordinary amount of sickness. A considerable proportion of the prisoners are in some way diseased when they enter the prison; the facts in regard to which will be more fully set forth in our physicians' report.

"We have had quite a tedious time with small-pox and measles, but upon the whole, have to report only three deaths during the past year. (See physicians' report.)

"The general course of treatment pursued by our worthy physicians, L. & W. C. Sneed, I have been more than pleased with. They have been attentive and kind, and their success in the many difficult cases which they

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have had to treat, entitles them to my fullest confidence, both as physicians and gentlemen.

“We were, I think, imposed upon with two prisoners sent here with small-pox; had I known the fact before it was too late, my duty to the prison, to my private family, and to the neighborhood generally, would have compelled me to pursue a different course to the one pursued; but we had it amongst us before we knew it, and it was too late. The effect produced was highly detrimental to the interest of the prison in a financial point of view, and also in regard to good order. The prisoners were for a long time much alarmed, while the community for a time manifested a disposition to shun the prison, and even our own company. For the course pursued, and the prompt attention given by our worthy physicians, the Drs. Sneed, we feel greatly indebted.

“I have the happiness to report the institution at this time in good health generally. (For further particulars, see report of prison physicians herewith accompanying.)

“The prisoners at this time seem to enjoy a high degree of cheerfulness, and I can but repeat the sentiment contained in my last report in regard to the present and future prospects of the prisoners generally. I have not failed to avail myself of every possible means in my power to carry out the wishes of the Legislature, and every true philanthropist, in regard to the moral and religious instruction of this unfortunate portion of our race; and I am again constrained to acknowledge that it is a source of much gratification to me to witness the manifest disposition on the part of nearly all the prisoners to conform to law and good morals, submitting to the laws of the prison with that character of submissiveness which ought to be gratifying to the feelings of every true lover of man; and I cannot withhold an expression of gratitude and thankfulness to the great Giver of all good for the success I have been permitted to attain in my undertaking to advance the moral condition of these, our unfortunate fellow-beings.

“I remarked in my last report, that I looked forward with much pleasure to an early day when we would be prepared with a suitable school room and chapel, where we could upon suitable occasions carry on the pleasant work of moral and religious instruction more perfectly, and where those ministers of the different denominations, who have contributed so much to our aid, could be rendered more comfortable. In my last report I promised to present to your honorable body at the present session, a more favorable condition of the institution than I then did, and I flatter myself that I am ready to make good the promise. The members of both branches of your honorable body are most respectfully solicited to visit the institution and see for themselves.

“In regard to the performance of the several officers and guard of the prison, with but few exceptions, they have generally performed their sev-

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eral duties with marked fidelity and a strict observance of the rules, endeavoring alike to induce by moral example, that which they are called upon by precept to enforce. I cannot, in justice to my feelings, pass by the general faithfulness of my first assistant, Capt. G. W. Howe, without saying that to him is due many thanks for his vigilance and fidelity, and his true devotedness to the best interests of the institution.

"The correctness of the report of our finances and book accounts generally, as made out and presented by our worthy and efficient clerk, C. S. Waller, Esq., I have no hesitation in indorsing; and, while I have no control over his books, he being a separate officer appointed by law, yet such is my confidence in his integrity, capacity, industry, vigilance, and undeviating attention to his books and business generally, that I will venture to predict that what he has said in his report will turn out as heretofore, to be correct; and that no serious difficulty will ever arise for want of faithfulness or competency on his part. Him you can always find at his post, ready to explain any matter relative to the accounts of this institution, to the satisfaction of any who may desire it.

"In relation to the business operations of the past year, and the present financial condition of the institution, I refer you to the accompanying report of the clerk, whose tables I presume will be sufficiently explicit on that subject.

"The manufacturing of bagging during the past year has been rather more profitable than for several years past. We have been buying hemp at from \$5 to \$5 50 per cwt., since the 1st of last March, and selling bagging at from 10½ to 15 cents, cash. We have but little bagging on hand: the quality of our bagging being rather superior, it sells readily at the highest market price.

"Having removed the contents of our blacksmith shop to the new building lately erected for that purpose, we expect to commence soon the coopering business on rather a large scale, having secured a large supply of cooper's materials, which are now well seasoned and ready for use. I have found since my last report the unusual demand for shoes and boots to be such, that I have increased that business to about double the former amount. In regard to all the other operations, there has been no material change. Any further information on those points, should you desire it, will be promptly furnished.

"There may be some other matters connected with the interest of the institution, which have been unintentionally overlooked, or which may not properly belong to this report. Should you desire any further information on any point connected with the institution, you have but to make it known to us, and with all possible promptness and dispatch it shall be furnished you.

"There are many matters connected with the management, regulations, and discipline of the prison, which would doubtless be interesting to the

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members; and a personal visit, at your leisure hours, might be rewarded by various subjects of inquiry and observation, to be found within the prison walls. The members of both branches of the Legislature are respectfully invited to visit us as often as their engagements may permit; every officer connected with the institution will take pleasure in contributing to their information in any branch of business in the institution, or in the administration of its affairs; and, indeed, we not only invite, but anxiously solicit your presence; and we not only ask for, but will most thankfully hear from any gentleman, any suggestion having for its object the advancement of the interest of the institution.

"All of which is most respectfully submitted.

"N. CRAIG,

"Agent and Keeper Kentucky Penitentiary."

CLERK'S REPORT.

"OFFICE KENTUCKY PENITENTIARY, }
"Frankfort, December 10, 1847. }

"SIR: Herewith you have statements marked A and B, showing the business operations of this institution during the past year, ending the 1st inst., and its financial condition on that day.

"In summing up the accounts and business transactions of the year, I have found much difficulty in arriving at the true estimate of profits, in consequence of outstanding accounts against the prison, which have not been presented; this, however, has always been the case heretofore, and must necessarily continue to be so, until a final settlement is made, and time given to test and close all accounts both for and against the prison.

"The estimate of 'accounts not rendered,' is governed by the experience of former years, and although not assumed to be strictly accurate, yet it is believed that there will be no material difference when the exact amount is ascertained, but that the aggregate of profits for the year will prove to be about as reported.

"Exhibit C contains sundry tables, showing the number of prisoners received and discharged during the year; the present number of inmates, the crimes for which they were convicted, their terms of sentence, county sent from, place of nativity, ages, education, previous habits, social relations, &c.

Respectfully,

"CHARLES S. WALLER,

"Clerk Kentucky Penitentiary."

"N. CRAIG, Esq., Agent and Keeper Kentucky Penitentiary."

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(A.)

A Statement showing the expenditures of the Prison from the 1st day of December, 1846, to the 1st day of December, 1847, viz:

For raw materials: Hemp, lumber, iron, leather, &c., &c.	\$21,989 56
For provisions: For victualing prisoners	4,371 40
For fuel: Wood and coal for engine, blacksmith's shop, kitchen, &c.....	2,730 98
For building materials: Brick and lumber for new buildings	2,711 60
For salaries: Pay of officers, physicians, and guards	5,632 16
For clothing: For clothes and bedding for prisoners.....	1,119 81
For ferriage, &c.: Cash paid ferriage and turnpikeage for wagons hauling stone, hemp, &c.....	272 05
For hauling: Hire of wagons, hauling hemp, stone, lumber, wood, &c.	1,609 92
For tools, &c.: Tools, and implements of trade for workshops.....	711 97
For liberation money: Cash paid to prisoners on liberation, \$5 each, as directed by law.....	385 00
For moral and religious instruction: Paid to Ministers of the Gospel, and others, for the moral and religious instruction of the prisoners, as directed by law....	159 60
For hospital: Medicines and medical instruments for use of prison hospital	66 46
For water privilege: Cash paid town of Frankfort for use of water for prison engine, for the years 1846 and 1847.....	100 00
For traveling expenses: Expenses of officers in traveling to various points on business of the Institution	21 25
For stationery for use of office.....	55 64
For escapes: Rewards and expenses incident to arrest and return of escaped convicts	53 75
For tobacco: For use of prisoners, as directed by law.....	151 65
For postage: Letters sent and received on business of institution.....	8 35
Total.....	\$42,154 35

Which have been discharged as follows:

By cash received for the sale of bagging, and for the manufacture of bagging for individuals.....	27,433 49
By cash received for sale of manufactured articles at prison.....	8,027 93
By cash received for lock up fees, for the safe-keeping of slaves.....	225 40
By barter—manufactured articles given in exchange.....	6,407 93
	\$42,154 35

(B.)

A Statement showing the resources and liabilities of the Prison on the 1st day of December, 1847, viz:

RESOURCES.	
Accounts and notes against sundry individuals, as per ledger	\$14,054 41
Accounts against the Commonwealth, to-wit:	
Balance to debit of old account, as per ledger.....	\$7,349 14
Accounts for new buildings erected, and improvements made during the past year, as authorized by acts of the Legislature of 1846 and 1847, to-wit:	
Eating-house and chapel.....	\$3,500 00
Blacksmith shop.....	2,000 00
Stone sewer, for draining yard.....	200 00
Making	5,700 00
Also, an account for extra buildings, furnishing eating-room, chapel, kitchen, &c., subject to the approval of the Legislature.....	1,606 75
Total amount against the Commonwealth.....	14,655 89
Stock on hand: Raw materials and manufactured articles, inventoried at.....	9,413 18
Total resources.....	\$38,123 48
Amount carried forward.....	\$38,123 48

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Amount brought forward.....	\$38,123 48
LIABILITIES.	
To N. Craig, balance to credit account, for advances, &c.	\$7,088 06
To sundry persons, for hemp purchased for use of prison.....	3,029 56
To various individuals, for sundries furnished institution, <i>accounts not rendered</i> , estimated at.....	9,760 58
To commission merchants, for advances on consignments of bagging	5,833 20
To the officers and guards of the prison, for salaries due and undrawn	1,094 66
To amount of "old stock" received from the late keeper, sold and used	354 68
Total liabilities.....	27,160 74
Leaves a balance in favor of the institution, the 1st day of December, 1847, of...	<u>\$10,962 74</u>

(C.)

The following tables are given to show the number of prisoners received and discharged during the past year; the present number of inmates, their crimes, sentences, nativity, education, ages, previous habits, social relations, &c., viz.:

Number of prisoners in confinement on the 1st day of December, 1846, as per report of last year.....	187
Received into the prison from the 1st day of December, 1846, to the 1st day of December, 1847.....	65

Making..... 252

The number discharged during the same time is as follows:

By expiration of sentence.....	48
By pardon of Governor Owsley	22
By restoration to the rights of citizenship, by pardon of Governor Owsley, one day previous to expiration of sentence	6
By pardon of President of the United States	1
By escaping.....	6
By death	3

Making

Leaving in confinement on the 1st day of December, 1847..... 187

Of the above number there are:

White males.....	153
Colored males.....	12
Colored females	1
Total.....	<u>166</u>

CRIMES.

Larceny	63
Horse stealing.....	29
Passing counterfeit money	16
Manslaughter.....	15
Burglary.....	10
Assisting slaves to run away	6
Highway robbery	5
Making counterfeit money.....	3
Forgery	2
Perjury.....	2
Intent to kill.....	2
Arson	2
Rape.....	2
Stealing slaves	1
Bigamy	1
Poisoning.....	1

Amount carried forward..... 163

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Amount brought forward	163
Fraud	1
Escaping	1
Mail robbery	1
Total	166

COUNTIES SENT FROM.

Allen	2
Breckinridge	4
Bullitt	2
Ballard	1
Bracken	2
Campbell	2
Christian	1
Clay	1
Clarke	2
Daviess	1
Estill	1
Fayette	7
Fulton	3
Fleming	4
Green	2
Gallatin	2
Greenup	2
Hardin	2
Hickman	1
Hopkins	3
Kenton	7
Jefferson	79
Livingston	4
Lincoln	2
Logan	2
Mason	5
Meade	1
Mercer	2
Monroe	1
Marshall	1
Nicholas	1
Owen	1
Ohio	1
Russell	1
Simpson	2
Scott	2
Washington	5
Wayne	1
Woodford	1
Whitley	1
United States Court	1
Total	166

TERM OF SENTENCE.

For 4 years	38
For 3 years	23
For 2 years	17
For 1½ years	16
For 5 years	15
For 1 year	16
For 7 years	9
For 6 years	7
For 8 years	5
For 1 year and 6 months	4
For 40 years	3
Amount carried forward	153

1844 to 1855—Newton Craig, Keeper.

Amount brought forward	153
For 15 years	2
For 9 years	2
For 4 years and 6 months	2
For 3 years and 4 months	1
For 22 years	1
For 2 years and 6 months	1
For 12 years	1
For 1 year and 8 months	1
For 3 years and 6 months	1
For 6 years and 6 months	1
Total	<u>166</u>

NATIVITY.

Kentucky	41
Virginia	20
Pennsylvania	19
Ireland	9
New York	14
Germany	8
Ohio	7
Tennessee	7
North Carolina	6
South Carolina	6
Maryland	5
Indiana	3
Alabama	3
Delaware	2
District Columbia	2
New Jersey	2
Massachusetts	2
France	2
Scotland	2
England	2
Georgia	1
Arkansas	1
Mexico	1
Vermont	1
Total	<u>166</u>

EDUCATION.

Superior, or those who have a classical or scientific education	2
Good, or those who have had the benefit of a general English education	29
Common, or those who can read, write, and cypher	44
Poor, or those who can only spell and read	51
None, or those who are entirely destitute of education	47
Total	<u>166</u>

AGES.

From 15 to 20 years	18
From 20 to 30 years	88
From 30 to 40 years	30
From 40 to 50 years	20
From 50 to 60 years	8
From 60 to 70 years	1
From 70 to 80 years	1
Total	<u>166</u>

1844 to 1855—Newton Craig, Keeper.

PREVIOUS HABITS.

Habitually intemperate.....	48
Occasionally intemperate.....	77
Temperate.....	49
Total	<u>166</u>

SOCIAL CONDITION.

Unmarried.....	79
Married	67
Widowers.....	16
Separated.....	4
Total.....	<u>166</u>

CHAS. S. WALLER, *Clerk Ky. Penit'y.*

OFFICE KENTUCKY PENITENTIARY, Dec. 10, 1847.

PHYSICIANS' REPORT.

"The fourth year of our services having terminated, and wishing to present to the General Assembly a retrospective view of what has been the condition of the institution during that term, so far as relates to the health of the inmates, we beg leave to report as follows:

"On or about the first of March, 1844, we entered upon the duties of physicians to the institution, and have acted in that capacity up to the present time. Upon taking medical charge of the hospital, we found no special arrangement for the comfort of the sick, nor any account of what had been the previous regulations of this department of the institution. The place appropriated to hospital purposes was a triangular room on the lower floor, near the cells, with one door and one window on the same side, by which ventilation was procured. The bedding was indifferent, and deficient in quantity, without that regard to cleanliness so necessary in hospital arrangements. The supply of medicine was small and indifferent.

"Our first efforts were used in procuring good bedding, proper nurses, and a supply of medicine and medical fixtures—every thing, in fact, calculated to render the sick comfortable.

"The present year 281 cases have been treated, of whom three have died—one of pneumonia; one of cholera morbus, and one, the third, an old negro man, died very suddenly of disease of the heart, in his cell.

"We would call your attention to an evil practice pursued by the officers connected with the courts below, which has materially injured the institution. Every year numbers of convicts are sent to the penitentiary laboring under chronic or acute diseases, which render them wholly unable to perform manual labor for months, and frequently for the term of their sentence. These convicts are sent without any account from the jailers or other persons of the nature of their diseases, or anything else in relation to them, calculated to enable us to form any opinion in relation to their respective cases; some have been sent almost blind, while others have

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come deformed by rheumatism, or almost rotten with venereal disease. In the early part of the past summer an outrage was committed by some one connected with the jail at Louisville, (whether intentional or not we will not say,) which caused great inconvenience, and considerable loss to the institution. Two convicts were sent from thence, and received into the hospital of the prison, while in the fever stage of small-pox. It is reported that the disease existed in the jail there at the time these men were sent, and as both of them were unwell when they started, it was an act of great imprudence to send them here before the nature of their cases was known. We saw them shortly after their arrival, and had no difficulty in detecting the disease. Every necessary precaution was used to prevent the spread of the disease; vaccination was resorted to immediately, and every inmate who had not been subjected to its influence before, was vaccinated. The two convicts, already diseased, were put in a room remote from the other departments of the institution, and all intercourse at once prohibited; notwithstanding these precautionary measures, nine cases occurred—all of which recovered. The vaccine matter was procured by us with much trouble, and our private practice materially injured by having to superintend these cases.

"There are in the hospital at this time two convicts, just from Louisville, who are too much afflicted to be put to work. One has lost the use of his lower extremities, and the other has chronic syphilis.

Respectfully,

"W. C. SNEED, *M. D.*

"LEWIS SNEED, *M. D.*

"FRANKFORT, January 1st, 1848."

VISITORS' REPORT.

"The undersigned would respectfully report, that they have occasionally, during the year 1847, visited the penitentiary and examined the same; but their visits have not been as frequent as once in each month; owing partly to the fact, that during a portion of the time, contagious diseases prevailed within the walls.

"We are pleased to be enabled to state, that the comforts and conveniences of the prison have been greatly increased during the past year. The general health has been good. The whole number of cases treated in the prison hospital during the year ending December 1st., 1847, was 281. Of this number there have been but three deaths—two from acute disease, and one, (an old negro man about 70 years of age,) of dropsy of the chest, of several years standing. During the year the prison has been visited with both small-pox and measles; there were nine cases of the first and twelve of the last.

"The number of cases of disease contracted in the prison is very small indeed—not one twentieth of the whole number treated. This is to be

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accounted for by the fact, that nearly all the prisoners received have their systems impaired by intemperance or syphilitic contamination, and are actually laboring under chronic disease when admitted, and require medical treatment immediately on their reception.

"Several new buildings have, in pursuance of law, been erected during the past year, to-wit:

"A new brick eating-house and chapel, 80 feet long, 40 feet wide, and two stories high, occupied and used as follows: Eating-room 60 by 40 feet, floor paved with brick, well furnished with tables and seats—kitchen 20 by 40 feet, paved floor also, and fixtures complete, containing an improved apparatus for cooking by steam, which is a great saving of fuel and extra hands in this department. The chapel and Sunday school room in the second story is 60 by 40 feet, well furnished with comfortable seats, a good pulpit, &c. This is decidedly the best improvement which has been made in the prison for years, and will aid materially in the promotion of morality, and the reformation of prisoners. Instead of remaining in the workshops on the Sabbath plotting mischief, or listening to tales of licentiousness and crime from veteran offenders, as was formerly the case, they are now assembled in this comfortable room throughout the day; those who are educated teach those who are not; and thus a regular Sunday school is completely organized, and works well. Many of the prisoners take a lively interest in this new arrangement, and are endeavoring to profit by it. Two officers of the prison stay constantly with them to preserve order, and to see that the teachers do their duty. During the day a sermon is preached to them by one of the ministers of the town, several of whom have kindly agreed to discharge this duty successively.

"The keeper has also erected during the year a large brick blacksmith's shop 75 by 40 feet, two stories high, in which there are seven forges; this was much needed; also a brick wash-house 18 by 20 feet; a frame stone shop 80 by 35 feet, and several minor necessary buildings, together with an excellent stone sewer across the yard for the purpose of draining it, &c.

"In conclusion, we would state, as an act of bare justice to the keeper, clerk, and assistants, that we think there have been more decided improvements during the past year in buildings, neatness, cleanliness, and general management, than we have ever before observed; and we would further state, that in all our visits to the institution, we have invariably found the officers polite and accommodating, always ready to furnish every facility to aid us in our examinations, and withholding nothing from our inspection.

"JAMES DAVIDSON, *Treasurer*,

"H. I. BODLEY, *1st Auditor*,

"BRYAN Y. OWSLEY, *R. L. O.*,

"THOS. S. PAGE, *2d Auditor*,

"O. G. CATES, *Att'y General*.

1711



Hart & Megather Lath Louisville Ky

PRISONERS RETURNING FROM WORSHIP.
VIEW FROM INSIDE GATE

Photographed by C. K. Clarke Frankfort

1844 to 1855—Newton Craig, Keeper.

JOINT REPORT OF THE COMMITTEES ON THE PENITENTIARY.

“The Committees on the Penitentiary, who are charged with all matters relating to that institution, in order to save unnecessary trouble, have made their examinations jointly, and submit the following joint report:

“The time has arrived at which legislative action becomes necessary, in order to continue the management of the institution, by the appointment of another keeper, or the adoption of some other plan, should it be deemed advisable.

“The committees have instituted a strict and thorough examination into the situation, management, conduct, and profits of the penitentiary during the term for which it has been leased to the present keeper, and have taken pains to examine into the conduct and management of other institutions of the same kind in other States of the Union. The result of that examination we think proper to embody in this report, in order that the Legislature may the better understand how the condition and management of our State prison compares with that of other States, and that, thereby, the action of the Legislature may be properly advised.

“From the report of the State prison in Michigan, it appears that the number of prisoners for the last year was 126, and the clear profits of the institution \$368 61.

“The Ohio prison, which is regarded as one of the best managed in the United States, both as regards the condition of the convicts and the interest of the State, during the last year numbered 461 prisoners, and her clear profits were \$15,504.

“The Maryland prison for 1845–’6, the committee not being able to get hold of a more recent report, had within its walls an average of 287 convicts. Total profits of the year \$1,220 92.

“The Mississippi prison in 1846 numbered 89 prisoners, and fell short \$884 53 of supporting itself.

“The Connecticut prison in 1847 averaged 150 prisoners; its total profits were \$3,472 12.

“The Alleghany prison, Pennsylvania, in 1845, (being the most recent report the committees could get,) averaged 130 prisoners, and its profits fell short of its support \$1,042 50.

“The Eastern, or Philadelphia prison, in 1846 averaged 308 prisoners, and fell short of supporting itself, by its profits, \$3,360 32. The committees think it but proper, however, to state that these Pennsylvania prisons are on the solitary confinement system, that State looking upon that as the best mode of reformation, and do not seem, from their reports, to expect that the system will support itself; and we do not pretend to give our views upon the correctness of their plan, as our institution is so constructed as to render that mode impracticable, for the present, with us.

“And the great Auburn penitentiary, in New York, (by far the largest, we believe, in the Union,) with an average of 778 prisoners, shows a clear

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profit of \$4,806 12. While the Kentucky penitentiary in 1847 engaged 166 prisoners, and by her report shows a clear profit of \$10,962 74.

"The committees would further remark, that the cost of clothing and dieting prisoners, guards' and officers' salaries, &c., including the expenses proper of managing prisons, were, in round numbers, about as follows: Michigan, \$16,500; Ohio, \$27,500; Maryland, \$27,500; Mississippi, \$13,500; Kentucky, \$11,940. The other prisons in this report named do not show in their reports the actual expenditures in this respect; nor would we be understood as giving the foregoing estimates of expenses as perfectly accurate, for we had to cull out from the general reports the several items of ordinary expenses for support, and may have omitted some; but we feel confident enough of their correctness to present them as data for comparison.

"These statements exhibit the fact that the Kentucky penitentiary, taking into consideration the number of prisoners, is less expensive and yields a larger amount of profit than any other institution of the same kind in the United States, so far as the committees have been enabled to ascertain them from official reports; and we think show, also, the superiority of the plan adopted for the management of our prison by the Legislature of Kentucky, over that of any other State. In Michigan and Ohio the prisoners are hired out in lots for terms of years, at an average of 30 to 35 cents per day; and the committees, or a part of them, had thought that this plan, or to rent the prison out for a given sum, would be best for this State; but on examination have come to a different conclusion, as those modes largely increase the number of officers, &c. From an examination of these official reports, and mature reflection on the subject, the committees are well satisfied that no change could be made in the present mode of conducting the business of the penitentiary without great detriment to the public interest, and infliction of inconvenience and injury upon the condition of the convicts.

"The committees have with care examined into the condition of the prison, and take great pleasure in bearing testimony to the clean, neat, and orderly manner in which it is in all its departments kept. The recent improvements have afforded ample room and work houses for the business of the institution, and in all other respects are well adapted to the wants of a penitentiary, and will, from their character and convenience, add much to the comfort of the unfortunate convicts, as well as secure the objects of penitentiary confinement. The committees are well satisfied, and take pleasure in bearing their testimony, that the business of the institution under the management of the present keeper, has been conducted with strict fidelity to the State; and so far as they are able to judge, with uncommon energy and ability, not only in the general management of the fiscal concerns of the institution, but especially in the course of moral instruction which the present keeper has systematically, and in a most

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efficient and forcible manner, afforded to the convicts. And in this respect, the committees are of the opinion that our penitentiary is likely to prove to be in fact, what it was always in theory designed to be—a school of *reformation*, as well as a place of punishment. And we think this officer deserves the unqualified approbation of the State for the manner in which his duties have been performed. And his great energy and perseverance to rebuild this institution, surrounded as he was by calamity and misfortune in the very beginning of his term, should, in the opinion of the committees, commend him as a faithful officer.

“Several members of the committees, in company with other members of the Legislature, examined the books and accounts kept by Mr. C. S. Waller, the present clerk of the penitentiary, which for neatness and correctness they think cannot be surpassed. We deem it fortunate for the State that she has so efficient a guardian to protect her interests in the institution. With such an officer as he is as clerk of the penitentiary, the country cannot be otherwise than satisfied. In a word, your committees believe that he possesses all the qualities which are required to render him, in every respect, entirely suited to the arduous duties of the station he has thus long so faithfully filled.

“Your committees deem it unnecessary to go into a more detailed report, as in answer to several resolutions of the House of Representatives, a general statement of the affairs of the penitentiary has been presented to that branch of the Legislature by its committee.

“Your committees have not gone into a minute examination of the accounts of the penitentiary, as that devolves by law on the commissioners of the sinking fund, who are gentlemen eminently qualified, and doubtless will faithfully discharge that duty at the proper time.

“The committees herewith report a bill which embodies their views in relation to the appointment of a keeper of the penitentiary, and of its management. The early action of the Legislature is necessary, and respectfully urged.

“The committees would also report that they have examined with care the various items composing the account of the keepers against the State, for extra buildings, furnishing eating room, chapel, kitchen, &c., and find that said work was absolutely necessary, and advantageous to the proper management of the institution, and the comfort and necessary use of the prisoners. The work has been done, so far as they can judge, in a plain and substantial manner. The committees therefore recommend that this account be allowed, and for that purpose report a provision in the bill herewith submitted. All of which is respectfully submitted.

“Adopted unanimously by Senate committee.

“EDW'D. D. HOBBS, *Chairman*.

“Adopted unanimously by House committee.

“J. S. BARLOW, *Chairman*.”

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On the 19th February, 1848, by previous arrangements of both branches of the General Assembly, an election for keeper of the penitentiary was had, when Capt. N. Craig was re-elected for six years, commencing the 1st day of March, 1849, and ending 1st day of March, 1855. There being no opposition, the election was conducted without the usual amount of electioneering excitement heretofore existing when such an event was to occur. The vote was unanimous, and was a deserved compliment to a well-trying officer.

The same Legislature passed and approved, on the day previous to the election, an act making ample provision for the same.

Section 1st of that act provided the mode of settling with the keeper, and is nearly the same as the 1st section of the laws of 1839 and 1843, passed for the same purpose.

Section 2d is nearly an exact transcript of the act of 1843, the only alteration being ten thousand dollars loaned to the keeper, instead of twenty-five thousand, as in the former act. The same mode of electing the keeper was adopted with the regulations and penalties contained in that act.

Section 3d and 4th stipulated the amount of raw materials, &c., to be delivered to the keeper, with the manner of reimbursing the State for the same at the expiration of his term.

Sections 5, 6, 7, 8, 9, 10, 11, and 12 are exactly the same as the laws of 1836 and 1843.

Section 13 increased the salary of the clerk to \$1,000, but made his duties and responsibilities the same.

Section 14 and 15 the same as former mentioned laws—the State agreeing that the ten thousand dollars heretofore loaned to the keeper, be again loaned on the same terms, except that the interest thereon should be paid as part of the expenses of the institution.

Section 16 made the same State officers a board of visitors; and section 17 provided \$250 to be appropriated for the moral and religious instruction of the convicts; that tobacco in such quantities as the keeper might deem necessary should be furnished the convicts; and that the keeper or keepers shall pay to any convict who has been confined in the penitentiary, when he shall be discharged therefrom, the sum of five dollars, one hat, one new jeans coat and pantaloons, one waistcoat, two new shirts, one pair of socks, and one pair of shoes, which shall be considered as expenses of the institution: *Provided*, That the articles of clothing aforesaid shall not be given to persons discharged by Executive pardon, or otherwise, who have not served one year.

Section 18 provided one hundred dollars for the purchase of books for the prison library.

Section 19 provided "that the commissioners of the sinking fund allow in their settlement with the keeper of the penitentiary, a credit to said

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keeper for the sum of \$1,606 75, that sum being the amount of an account for extra buildings, furnishing eating-rooms, chapel, kitchen, &c., if, on examination, they consider said sum no more than reasonable and fair for the same."

Section 20 provided "that the State shall have two thirds of the net profits of said institution: *Provided, however,* That the keeper or keepers shall guaranty to the State a profit of not less than five thousand dollars annually, clear of all expenses, interest, and losses."

NEWTON CRAIG'S SECOND ANNUAL REPORT.

"The undersigned, agent and keeper of the Kentucky penitentiary, would, in conformity to law, respectfully submit the following report:

"I took charge of this important institution on the first day of March, 1844, under an agreement or contract with the State for a term of five years. That term will expire on the first day of March next. As it was the pleasure of your honorable body, during your last session, to give me an appointment for six years longer, I am the more anxious that you should acquaint yourselves with its condition, habits, business operations, and its general tendencies. I have always understood that the founders of this institution had two prominent objects in view; and in looking over the laws governing it I am but the more confirmed in this opinion. The objects alluded to are the punishment of crime and the reformation of the criminal.

"How far I may in the last five years have carried out the wishes of the Legislature, their own annual examinations have made them the most competent to judge; while I claim only for myself to say that my best energies have been directed to the accomplishment of the moral improvement of this truly unfortunate portion of our fellow-beings, I feel confident that my labors have to some extent been successful. Your attention is particularly invited to the investigation of its moral condition. We have preaching nearly every Sabbath; and to the Rev. Mr. Robinson, of the Presbyterian denomination, to the Rev. Mr. Norton, of the Episcopalian, and to the Rev. Mr. Goodman, of the Baptist denomination, I feel under many lasting obligations for their kind and Christian-like co-operation in furthering the best interests of this institution. They have my most hearty thanks. Others of different denominations have occasionally lent their aid by preaching to the prisoners at intervals, and to them I would tender my sincere thanks. Divine service is performed on each Sabbath evening at 3 o'clock, at which times the presence of as many of your honorable body as can make it convenient to attend, would be highly gratifying to the keeper. At 9 o'clock on every Sabbath morning a lecture is delivered in the familiar manner of domestic worship, endeavoring by friendly counsel to win the wicked back to purer thoughts. The apparent good effects produced by this course are highly gratifying to my feelings.

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In regard to the bearing of the law and its application to the inmates of this institution, I have only to say from my observation of its operation, it is well adapted to all their wants.

“The law requiring the heads of the prisoners to be shaven once every week, was, at my earnest solicitation, repealed several years ago—giving to the keeper a discretion—leaving it with him to have their heads shaved or not, as the conduct of the prisoner might seem to require. This act of humanity has (in my humble judgment) been productive of much good, and has very much aided the keeper in enforcing proper discipline. I know that the moral condition of this institution has been improved, while I contend the supremacy of the law has in every particular been fully maintained, and its financial interests have not suffered. But under all the circumstances, depressing and discouraging as they have been, it has still continued to prosper, and each day has seemed to dawn with prospects brighter and brighter, until we are now enabled to present to your honorable body a prison, (in proportion to its extent,) that will fitly and favorably compare with any other prison within the limits of the American continent. I allude not only to its buildings and internal arrangement, but also, particularly, to its moral condition and its prison discipline. It has been my aim to augment the finances of this prison, so far as was consistent with its other interests; while I have determined, at all hazards, to vindicate and enforce the laws of the land and the written rules of the prison, (which rules are only extracts of the laws of the land and of the Bible,) erring always, if at all, on the side of mercy. Acting under the belief that it is my duty to induce the law-breaking criminal, both to see and to feel that we all are alike bound to yield obedience to the laws of the land and to the precepts of the Bible; and that the individual, whether he be keeper or prisoner, who acts in known violation of either, makes war upon his own best interests. A good degree of cheerfulness and kind feeling seems to prevail among the prisoners, and a manifest anxiety upon the part of nearly all of them to live obedient to the laws of the prison, and to discharge their duty with promptness and fidelity. And now while I look back upon the many embarrassments under which we have labored, growing principally out of the destructive fire of 1844, and other causes, and the signal manner in which I have been blessed, and provided with means and aid at times and under circumstances when I had no reason to expect it, I should do violence to my own feelings, were I not at this time, and in this report, to acknowledge my most profound gratitude to the Giver of all good for the signal manner in which I have been blessed in the management of this institution, and in my every effort in connection with it.

“During the session of 1843-'4, a law was passed authorizing the purchase of a suitable lot of ground on which to build a warehouse, for the use of the prison. Other buildings and improvements more important to

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its interests have constantly been in progress of building, and the want of means and time have prevented the purchasing of the ground and building of the warehouse until within the past season—during which time a suitable lot of ground has been procured by the commissioners of the sinking fund, upon which a suitable warehouse, forty by fifty feet, two stories high, was by them ordered to be built, and is now nearly complete. This house is well adapted to the wants of the prison, and will serve as a safer repository against fire than any other building about the institution.

“The cistern which was ordered by your honorable body to be constructed in the center of the yard, as a security against fire, is nearly complete too; it is now full of water, easy of access, and will be found a valuable addition to the prison, on several accounts.

“All the improvements authorized by law have been completed according to the specifications in the several contracts for each, and have been received in our settlement with the commissioners of the sinking fund.

“In regard to the mechanical operations of the prison, I find many branches less and less profitable, and have determined to abandon some, and reduce others; and have been providing materials and making arrangements to go into the coopering business on a large scale. We found the bagging business, during the fore part of the past season, very dull and productive of little or no clear profit; but at this time, and for several months past, it has become better, and we are now doing a tolerably fair business in that branch. From the calculations made by our worthy clerk, (which calculations are founded upon the estimated value of the stock, &c., on hand,) it will be seen that the clear profit of the institution this year will be some eight or nine thousand dollars. These calculations, as made by him, will, I doubt not, be found altogether correct; but owing to the fact that a final settlement under the first contract, will of course be made about the first of March next, I have thought it entirely unnecessary to spend much time in making out a very accurate inventory, knowing that it would have to be done accurately in order to a final settlement; which time of settlement, according to law, is now just at hand. My information, however, in regard to the valuation just made, is such as will warrant me in saying that it will not be less than the amount reported. The number of prisoners now in confinement is one hundred and sixty-one. During the past season, we have been blessed generally with good health; and at this time we have but little sickness of any kind. For further particulars upon that subject, please see physicians' report herewith accompanying.

“For further particulars in regard to the business transactions, expenditures, number of prisoners, where sent from, places of nativity, grades of crime, lengths of sentence, &c., &c., please see clerk's report herewith accompanying; which report, I take pleasure in saying, I have the fullest confidence in the correctness of. And I again take pleasure in speaking

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of him with the same confidence as in my former report, as a young gentleman every way worthy of my fullest confidence, both as a clerk and a gentleman; and will venture to predict that no public trust confided to him will ever suffer in his hands for want of competence, vigilance, or moral integrity.

"Our worthy physicians, L. & W. C. Sneed, have my hearty thanks for the prompt attention which they have given the sick of the prison, and for their great efforts to administer in every way to the wants of the hospital and prison generally.

"In looking over the rules which I had adopted for the officers and guard of the Kentucky penitentiary, I found that some alterations were necessary to be made, which would tend to advance the interests of the institution, by making it their interest to live to the rules, and holding them responsible for each and every accident or misfortune which the institution might suffer, growing out of their negligence, or carelessness, or a willful violation of the laws of the land or prison. In consideration of the changes alluded to in the rules, I have thought proper to make them part of this report to your honorable body.

"There may be some other matters connected with the interest of the institution, which may have been unintentionally overlooked, or which may not properly belong to this report. Should you desire any further information on any point connected with the institution, you will please make it known to us, as it will be our pleasure to furnish with all possible promptness and dispatch, any information which may lead your honorable body to a thorough acquaintance with the whole management of this institution.

"There are many matters connected with the internal management, regulations, and discipline of the prison, which might prove to be interesting to the members of the General Assembly; and a personal visit during your leisure hours, might be rewarded by various objects of inquiry and observation, to be found within the prison walls.

"The members of both branches of the Legislature are respectfully invited to visit us as often as their engagements may permit. It will be the pleasure of every officer connected with the institution to contribute to their information on any branch of business connected with the same, or in the administration of its affairs; and, indeed, we not only invite, but anxiously solicit your presence, and we not only ask for, but will most thankfully hear from any gentleman any suggestion having for its object the advancement of the interest of the institution. All of which is most respectfully submitted.

"N. CRAIG,

"Agent and Keeper Kentucky Penitentiary."

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CLERK'S REPORT.

"OFFICE KENTUCKY PENITENTIARY, }
 "Frankfort, December 10, 1848. }

"SIR: Herewith you have statements marked A and B, showing the business operations of this institution during the past year, ending the 1st instant, and its financial condition on that day.

"Also, exhibit C, containing sundry tables, showing the number of prisoners received and discharged during the year; the present number of inmates, the crimes for which they were convicted, their terms of sentence, county sent from, place of nativity, ages, education, previous habits, social relations, &c., &c.

Respectfully,

"CHARLES S. WALLER,
 "Clerk Kentucky Penitentiary.

"N. CRAIG, Esq., Agent and Keeper Ky. Penitentiary."

(A.)

A Statement showing the expenditures of the prison from the 1st day of December, 1847, to the 1st day of December, 1848, viz:

For raw materials: Hemp, lumber, iron, leather, &c., &c.	\$36,306 93
For provisions: For victualing prisoners	7,966 15
For salaries: Pay of officers, physicians, and guards	4,695 21
For fuel: Wood and coal for engine, blacksmith's shop, kitchen, &c., &c.....	1,963 88
For building materials: Brick, lumber, &c., for new buildings.....	2,121 73
For hauling: Hire of wagons and drays hauling hemp, bagging, stone, lumber, wood, &c.....	1,849 06
For clothing: Clothes and bedding for prisoners	675 19
For liberation money: Cash paid to prisoners discharged, \$5 each, as directed by law	355 00
For moral and religious instruction: Paid to ministers of the gospel, and others, for the moral and religious instruction of the prisoners, as directed by law....	198 38
For hospital: Medicines and medical instruments, for the use of prison hospital....	84 39
For stationery for use of office.....	66 68
For turnpikeage: Tolls paid for wagons hauling hemp, &c.....	40 01
For escapes: Rewards and expenses incident to arrest and return of escaped convicts	45 00
Travelling expenses: Expenses of officers in traveling to various points on business of the institution	31 19
For postage: Letters sent and received on business of institution	9 30

Total expenditures of the year \$56,408 10

Which have been discharged as follows:

By cash received for the sale of bagging	\$21,192 45
By N. Craig, advanced and assumed for institution	17,200 20
By cash received for sale of manufactured articles at prison.....	7,328 76
By cash received for lock-up fees for the safe-keeping of slaves	90 00
By barter: Manufactured articles given in exchange	10,596 69
	<u>\$56,408 10</u>

1844 to 1855—Newton Craig, Keeper.

(B.)

A Statement showing the resources and liabilities of the Prison on the 1st day of December, 1848, viz:

RESOURCES.

Accounts and notes against sundry individuals.....	\$13,811 38
Accounts against the Commonwealth, viz:	
Balance to debit of old account, as per ledger.....	\$8,634 32
Account for the erection of a warehouse during the past year, under contract with the commissioners of the sinking fund, and by authority of an act of Assembly approved 2d March, 1844.....	2,000 00
Also, an account for building brick cistern in yard during the past year, under contract with the commissioners of the sinking fund, and by authority of an act of Assembly approved 23d February, 1846.....	200 00
Total amount against the Commonwealth.....	10,834 32
Stock on hand: Raw materials and manufactured articles, inventoried at.....	19,291 63
Total resources.....	\$43,937 38

LIABILITIES.

To N. Craig, balance to credit of account, for advances, &c.....	\$27,299 05
To various individuals, for sundries furnished institution—accounts not rendered—estimated at.....	5,901 59
To the officers and guards of the prison, for salaries due and undrawn.....	1,673 86
To amount of "old stock" received from the late keeper, sold and used.....	354 68
Total liabilities.....	35,229 18
Leaves a balance in favor of the institution, on the 1st day of December, 1848, of.....	<u>\$8,708 20</u>

(C.)

The following tables are given to show the number of prisoners received and discharged during the past year; the present number of inmates, their crimes, sentences, nativity, education, ages, previous habits, social relations, &c., viz:

Number of prisoners in confinement on the 1st day of December, 1847, as per report of last year.....	166
Received into the prison from the 1st day of December, 1847, to the 1st day of December, 1848.....	69
Making.....	235
The number discharged during the same time is as follows:	
By expiration of sentence.....	36
By pardon of Governor Owsley.....	23
By restoration to the rights of citizenship, by pardon of Governor Owsley, one day previous to expiration of sentence.....	5
By pardon of Governor Crittenden.....	9
By escaping.....	1
Making.....	74
Leaving in confinement on the 1st day of December, 1848.....	<u>161</u>
Of the above number, there are—	
White males.....	145
Colored males.....	13
Mexican males.....	2
Albino males.....	1
Total.....	<u>161</u>

1844 to 1855—Newton Craig, Keeper.

CRIMES.

Larceny.....	57
Horse stealing.....	38
Passing counterfeit money.....	16
Manslaughter.....	14
Burglary.....	7
Intent to kill.....	6
Highway robbery.....	5
Assisting slaves to run away.....	3
Making counterfeit money.....	3
Forgery.....	2
Arson.....	2
Bigamy.....	1
Escape.....	1
Perjury.....	1
Fraud.....	1
Sheep stealing.....	1
Stealing slaves.....	1
Rape.....	1
Poisoning.....	1
Mail robbery.....	1
Total	161

TERM OF SENTENCE.

For 4 years.....	37
For 5 years.....	19
For 3 years.....	19
For 2 years.....	16
For 10 years.....	16
For 1 year.....	16
For 6 years.....	11
For 7 years.....	8
For 18 years.....	3
For 40 years.....	2
For 15 years.....	2
For 6 years and 6 months.....	1
For 4 years and 6 months.....	2
For 1 year and 6 months.....	2
For 2 years and 6 months.....	1
For 3 years and 4 months.....	1
For 22 years.....	1
For 20 years.....	1
For 12 years.....	1
For 1 year and 8 months.....	1
For 1 year and 1 day.....	1
Total	161

COUNTIES SENT FROM.

Allen.....	1
Breckinridge.....	1
Bullitt.....	1
Bath.....	4
Ballard.....	1
Butler.....	1
Campbell.....	1
Christian.....	1
Clarke.....	1
Calloway.....	1
Fayette.....	5
Franklin.....	2
Fulton.....	3
Fleming.....	2
Amount carried forward	25

1844 to 1855—Newton Craig, Keeper.

Amount brought forward	25
Green	3
Graves	2
Gallatin	1
Grayson	1
Grant	2
Greenup	1
Hardin	4
Jefferson	69
Kenton	12
Livingston	4
Letcher	2
Logan	2
Lincoln	2
Madison	3
Mason	3
Meade	1
Marion	2
Monroe	1
Marshall	2
Muhlenburg	1
Nelson	1
Oldham	1
Ohio	1
Owen	1
Pendleton	1
Pulaski	2
Russell	1
Simpeon	2
Scott	1
Shelby	1
Taylor	1
Union	1
Washington	2
Woodford	1
United States Court	1
Total	<u>161</u>

NATIVITY.

Kentucky	45
Virginia	19
Pennsylvania	14
New York	12
Ohio	11
Ireland	9
South Carolina	6
Tennessee	6
North Carolina	5
Indiana	5
Alabama	4
Maryland	3
Germany	3
England	3
Delaware	2
Scotland	2
Mexico	2
Arkansas	1
Georgia	1
France	1
Louisiana	1
Illinois	1
District of Columbia	1
New Jersey	1

Amount carried forward 158

1844 to 1855—Newton Craig, Keeper.

Amount brought forward	158
Holland	1
Vermont	1
Massachusetts	1
Total	<u>161</u>

EDUCATION.

Superior, or those who have a classical or scientific education	1
Good, or those who have had the benefit of a general English education	20
Common, or those who can read, write, and cypher	40
Poor, or those who can only spell and read	53
None, or those who are entirely destitute of education	47
Total	<u>161</u>

AGES.

From 15 to 20 years	10
From 20 to 30 years	87
From 30 to 40 years	36
From 40 to 50 years	19
From 50 to 60 years	7
From 60 to 70 years	1
From 70 to 80 years	1
Total	<u>161</u>

PREVIOUS HABITS.

Habitually intemperate	35
Occasionally intemperate	79
Temperate	47
Total	<u>161</u>

SOCIAL CONDITION.

Unmarried	80
Married	61
Widowers	16
Separated	5
Total	<u>161</u>

CHAS. S. WALLER, *Clerk Ky. Penit'y.*

OFFICE KENTUCKY PENITENTIARY, Dec. 10, 1848.

PHYSICIANS' REPORT.

"The following tabular statement will exhibit to you the condition of the institution during the past year, so far as relates to disease:

1844 to 1855—Newton Craig, Keeper.

HOSPITAL REPORT FOR 1848.

Months.	Number of cases.	Cured.	Relieved	Remaining in hospital.	Days lost.	Remarks.
January	30	22	3	5	251	
February	20	8	5	7	183	
March	25	15	7	3	208	
April	19	16	-----	3	107	
May	22	16	4	2	156	
June	25	10	11	3	75	
July	25	11	10	4	129	
August	20	9	7	3	119	1 pard. Aug. 1
September	11	3	5	3	88	
October	19	8	5	4	113	2 pardoned.
November	15	4	5	5	125	1 pardoned.
December	13	6	4	3	110	
Total	244	128	66	45	1,664	

“From this table you will perceive that the inmates have enjoyed their usual good health, and that no death has occurred during that time. I feel under obligations to the keeper and his assistants for their prompt assistance to me in my charge. The hospital is badly suited to the purposes for which it is used ; but by a proper supply of medicines, good nurses, hospital fixtures, &c., &c., I have found no difficulty in rendering the sick every aid that their conditions required. There are a few chronic cases on hand at the present time, one of which will probably prove fatal during the present winter.

Respectfully,

“December 31, 1848. W. C. SNEED, M. D.”

JOINT REPORT OF THE COMMITTEES ON THE PENITENTIARY.

“The Committees on the Penitentiary, having made their examination of that institution, jointly, have deemed it best to submit a joint report, as follows:

“The committees have made repeated personal examinations of the general arrangement and discipline of the prison, together with the treatment and condition of its inmates, and find the various workshops well arranged, both to facilitate business and to promote the health and comfort of the prisoners. The machinery and tools seem to be well adapted to the wants of the different trades. The workmen in every shop are actively and systematically employed, and the steady, constant hum of business, shows the orderly and well regulated system by which they are governed.

“The committees have, with care, examined into the general condition of the prison, and believe the inmates are well fed, well clothed, and as comfortably lodged as practicable.

“The discipline of the prison is mild and humane, yet sufficiently firm and coercive to enforce implicit obedience in refractory cases.

“Your committees believe the keeper relies principally upon the laws of kindness to produce a willing and cheerful conformity to his rules; and

1844 to 1855—Newton Craig, Keeper.

in carrying out this commendable principle he has succeeded beyond his most sanguine expectations.

"The committees are well satisfied that the business of the institution, under the management of the keeper, has been conducted, so far as they are able to judge, with energy and ability, not only in the management of the financial interest of the institution, but particularly in the improved and commendable discipline which he has introduced.

"A portion of the members of the committees personally examined the books and accounts kept by Mr. Charles S. Waller, clerk of the penitentiary, and found them neat and systematical, evidencing the most minute accuracy and skill of a superior accountant. He explained to us his system of checks and guards to protect the financial interest of the institution—that no items of expenditure or credit to the keeper were permitted to pass upon his books without a proper voucher to justify the entry.

"We turned promiscuously through the books to several entries of this nature, and desired to see the vouchers, which were instantly produced.

"With such a system, and so long as the books are kept in this manner, your committees believe that no difficulty will ever occur in settling the accounts of the institution with perfect equity to all concerned.

"All of which is respectfully submitted.

"S. S. ENGLISH, *Ch'n Senate Com.*

"THOS. I. YOUNG,

"CHARLES HAMBLETON,

"O. P. HOGAN,

"G. C. THURMAN.

"D. H. HARRISON, *Ch'n H. R. Com.*

"W. B. McCONNELL,

"W. L. CONKLIN,

"W. B. MURPHY,

"WALLER CHENAULT,

"NELSON HARRELD,

"SQUIRE LUCAS."

REPORT OF THE VISITORS OF THE PENITENTIARY, FOR THE YEAR 1848.

"The undersigned, constituting a board of visitors, under the act of the Legislature of February last, 'to provide for a settlement with the keeper of the penitentiary, and for other purposes,' respectfully report that the state of this institution during the year 1848 has been good, and has answered the public expectation, so far as they can judge from their visits and examinations. The health of the convicts has been uniformly as good as could be expected, under the circumstances attending them—their former habits of life and the condition of their constitutions being considered. The convicts have been, as the board believes, supplied with substantial and wholesome diet in abundance, and have been treated with

1844 to 1855—Newton Craig, Keeper.

humanity, and at the same time with firmness. They regret that they could not disapprove of the use of irons in the case of one of the prisoners, whose insubordination rendered such severity indispensable. The cells and yard of the penitentiary have been, for the most part, free from filth of every description, and of every thing calculated to affect unfavorably the health of the prisoners. They take pleasure in stating that the keeper and officers generally of the prison have manifested an accommodating disposition towards the visitors, and seem willing to receive favorably any suggestions which they have thought proper to make in reference to the condition or management of the establishment.

"It is thought proper to state that some of the board having been newly installed in office, are only partially advised as to the statements of this report, but do not doubt their general correctness. The changes in several of the offices have also produced interruptions in the discharge of the duties assigned them by law, which they hope may not be the case for the future.

"For further particulars in regard to this institution, the undersigned would respectfully refer to the annual report of the keeper and agent. They would, however, add that during the year a warehouse 40 by 50 feet, and two stories high, has been erected near the entrance to the prison, which they believe will greatly facilitate and increase its business.

"THOS. S. PAGE, *Second Auditor*,

"BRYAN Y. OWSLEY, *Reg. Land Office*,

"P. DUDLEY, *Treasurer*,

"JOHN B. TEMPLE, *First Auditor*."

In the preceding reports of the keeper and the visiting committee, it will be seen that buildings to supply those destroyed by the fire in 1844, and as directed by acts of the Legislature, had been erected by the keeper, and received and approved of by the commissioners of the sinking fund. Reference to the plate at page 219 of this report will show those buildings as they now stand within the walls of the institution. The large building to the right of the main entrance was the first one erected after the fire. The long building immediately opposite, on the east side of the yard, was the next constructed; then the blacksmith shop at the far end of the yard, looking south; and finally the chapel and eating house, near the center, towards the south side. This building is more fully shown by the plate at page 429, and represents the convicts returning to the yard after divine service. The cistern or pool mentioned in the several reports may be seen in both plates just in front of the chapel and near the center of the old yard. With the completion of these buildings the institution might be said to be in a better condition as a State prison than ever before, but yet wanting in many things which, to some extent, have since been supplied, as will be seen in the further progress of this report. The ware-

1844 to 1855—Newton Craig, Keeper.

house being outside of the walls, is not seen in either of these plates. It is a substantial building, and is still used for warehouse purposes by the present keepers.

NEWTON CRAIG'S THIRD ANNUAL REPORT.

"To the Honorable, the General Assembly of the Commonwealth of Kentucky:

"The time has again arrived when it is made my duty, by law, to report to your honorable body the general condition, operations, and business of the penitentiary. Having given my views fully (in several of my former reports) in regard to the proper course to be pursued towards the prisoner while in confinement, as also after his release, I shall in this report say but little on that score. I will take this occasion to remark, however, that it has been my greatest aim to reform the prisoner if possible, taking care as far as possible to so conduct the business operations of the penitentiary as to make it yield as much clear profit as justice to all concerned would allow.

"The more experience I have in the management of this prison, the more I am confirmed in the opinion that the system of penitentiary punishment (as established by our penal code) is, in all respects, best adapted to the wants of our common country. For while it to some extent relieves the community of evil disposed men, it is an institution well calculated, if properly managed, to make better men of its inmates.

"I have found that while much depends upon a well regulated theory, and a proper system of internal management, much more depends on the manner of enforcing that system. In well doing the prisoner should be encouraged, a confidence bestowed where it is deserving, and a trust judiciously and kindly, yet cautiously extended. By such a course infinitely more good may be done than by the enforcing of the most rigid discipline. Kindness bestowed softens the heart; good for evil heaps coals of fire upon the head of an enemy, melting him down into a golden friend; and while the whole course of the keeper should be firm, impartial, and just, it should also be kind, sympathising, and persuasive. Such a course closely adhered to will not fail to be productive of good.

"The good effects produced by the use made of our chapel and school room is a source of thrilling gratification to me, and I feel much encouraged to press forward its usefulness. We have preaching at 3 o'clock on every Sabbath evening, with a lecture and family worship at 9 o'clock every Sabbath morning. At these interviews we would be pleased to meet with as many of your honorable body as can make it convenient to attend.

"We are blessed with the privilege, at this time, of reporting the prison in good condition, both as regards health and general prosperity. And although we have had a very sickly season, and have had more deaths than during any past year for several years, still we feel to be under renewed obligations to the Giver of all good for the particular manner in

1844 to 1855—Newton Craig, Keeper.

which we have been spared; for while thousands have been called to try the realities of another world, we have been spared and blessed far above what we deserve. And while institutions like this in other States have lost a fifth man by cholera during the past year, we have lost but four in all. Still we have had a great deal of sickness during the past year, as will be more fully shown in our physician's report, which is made part of this. During the months of July, August, and September, there was scarcely a man in the prison who seemed to be entirely well. During those months particularly, and the past season generally, every thing was done in my power to keep the institution in every part as pure and clean as possible. Total abstinence from vegetables of all kinds, and fresh meats (with the exception of mutton and mutton soup occasionally,) was strictly and rigidly adhered to. Indeed, it was our motto to abstain from every thing only such as was absolutely necessary to sustain nature. It was thought best to eat less and have less work done, rather than by a little imprudence endanger life. Our hospital has been well attended by our worthy physician, Dr. William C. Sneed; in addition to his regular daily visits we have found him ever ready to minister to the wants of the suffering prisoner—and many cases which were thought beyond the reach of medicine, have been restored to health. For his vigilance and strict attention he has my most hearty thanks. For further particulars in regard to the hospital, please see his report herewith accompanying.

“In regard to our financial condition, please see that part of our report setting forth the facts as made out by our worthy, able, and efficient clerk, C. S. Waller, of whom I have to say, as I have formerly said, that you will find every thing about correct which comes from under his hand. To him I feel to be under many obligations, for his faithful, untiring course in the discharge of his arduous duties.

“You will perceive from exhibit C of his report, that he makes the probable profits of the prison from the 1st day of March, 1849, to the 1st day of December, 1849, to be \$5,262 06. It will be seen, however, that the aggregates of several of the items contained in this estimate are *supposed*. This we could not avoid; we can only get in the outstanding accounts against us once a year, and this we have to do on the first of March in each year, preparatory to our annual settlement on that day with the commissioners of the sinking fund. The same difficulty also exists in regard to our stock of raw materials and manufactured articles on hand. It is a serious undertaking to make a minute inventory of these. In our settlements with the commissioners of the sinking fund we have to do so; and we take the inventory made in the spring as a basis for calculating the supposed aggregate quantity on hand in the fall. Thus it will be seen that with these items we are compelled to make a supposed estimate, yet we doubt not that the result, as given, approximates very closely to accuracy, and does not vary, we are sure, from the amount that a close and

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minute estimate would exhibit sufficiently to cause the difference to be material.

“Our business operations have undergone but little change since our last report, except that we are doing less in the stone and shoe shops, while we have increased in coopering, both in small and heavy ware.

“We have had to pay unusually high prices for hemp during the past year, and have been compelled to dispose of the manufactured article at a less price than we ought to have had, considering the prices paid for the raw material; so that hemp spinning has not been as profitable as we, at the commencement of the year, had hoped it would be. It is our calculation to improve our machinery for the manufacturing of hemp and the dressing of staves, so as to be enabled to afford work still on a cheaper scale from both of those important branches.

“I may have overlooked some other matters connected with the institution, about which your honorable body would like to know something. Feeling a deep anxiety, as I do at all times, that you should know all about this institution, and its whole condition, management, &c., it will afford me a pleasure to give any information in regard to it on any point, and you have but to make known to us your wishes in regard to any matter connected with this institution, and the desired information shall be promptly furnished.

“There may be some other matters of an interesting character to many of you, which does not properly belong to my annual report, and about which some might feel an interest, and a personal visit at your leisure hours might be amply rewarded by various subjects of inquiry and observation to be found within the walls. Indeed not a winter has passed during the sitting of the Legislature, but at some times during our personal interviews, some ideas have been advanced, some hints dropped, or some suggestions made, which have proved of benefit to the institution; we are yet learning, and will most thankfully receive any suggestion which has for its object the advancement of the prison interest in any way. The members, therefore, of both branches of the Legislature, are most cordially invited to visit us as often as may suit their convenience. Every officer connected with the prison will take pleasure in contributing to their information in any branch of the institution, or upon any subject connected with the institution; and indeed we not only invite, but anxiously solicit, your presence. Should any of the guard or officers manifest a want of courtesy, or disposition not to give any required information on any point, or manifest a disposition not to satisfy any inquiry, or a want of polite attention to any during your visits at the prison, the keeper will be under obligations to any one who will make it known to him.

“All of which is most respectfully submitted.

N. CRAIG,

“Agent and Keeper Kentucky Penitentiary.”

1844 to 1855—Newton Craig, Keeper.

CLERK'S REPORT.

"OFFICE KENTUCKY PENITENTIARY, }
"Frankfort, December 10, 1849. }

"SIR: Herewith you have statements from A to E, inclusive, containing the usual estimates and statistics of the prison, furnished preparatory to the annual report of the keeper to the Legislature.

"Respectfully,

"CHARLES S. WALLER,
"Clerk Kentucky Penitentiary.

"N. CRAIG, Esq., Agent and Keeper Kentucky Penitentiary.

(A.)

A statement showing the expenditures of the Prison from the 1st day of December, 1848, to the 1st day of March, 1849—the expiration of the first term, to-wit:

For raw materials: Hemp, lumber, iron, leather, &c., &c.....	\$4,258 51
For provisions: For victualing prisoners	2,511 57
For building materials: Brick, lumber, &c., &c., for new warehouse	983 91
For fuel: Wood and coal for engine, blacksmith's shop, kitchen, &c., &c.....	907 34
For clothing: Clothes and bedding for prisoners	581 30
For hauling: Hire of wagons and drays hauling hemp, stone, lumber, coal, bagging, &c.	728 76
For salaries: Pay of officers, physicians, and guards.....	813 96
For liberation money: Cash paid to prisoners discharged, \$5 each, as directed by law	80 00
For stationery: For use of office	64 00
For water privilege: Cash paid town of Frankfort for use of water for engine	50 00
For moral and religious instruction: Paid to ministers of the gospel and others, for the moral and religious instruction of the prisoners, as directed by law.....	52 00
For turnpikeage: Tolls paid for wagons hauling hemp, &c.	41 53
For postage: Letters sent and received on business of institution.....	2 95
Total	\$11,075 53

Discharged as follows:	
By cash received for the sale of bagging	\$5,069 60
By cash received for the sale of articles at prison	2,315 57
By cash received for lock-up fees for the safe-keeping of slaves	15 00
By barter: Manufactured articles given in exchange.....	3,675 36
	\$11,075 53

(B.)

A Statement showing the expenditures of the Prison from the 1st day of March, 1849, (the commencement of the second term,) to the 1st day of December, 1849, viz:

For raw materials: Hemp, lumber, iron, leather, &c., &c.	\$27,536 62
For salaries: Pay of officers, physicians, and guards	2,710 22
For provisions: For victualing prisoners	1,011 36
For hauling: Hire of wagons and drays, hauling hemp, bagging, stone, lumber, wood, coal, &c.....	960 16
For fuel: Wood and coal for engine, blacksmith's shop, kitchen, &c.....	579 65
For clothing: For clothes and bedding for prisoners.....	688 40
For interest: Semi-annual interest paid on \$10,000, loan from the State, and interest on purchases of stock on time, under written permission of Governor..	518 84
Amount carried forward.....	\$34,005 25

1844 to 1855—Newton Craig, Keeper.

Amount brought forward.....	\$34,005 25
For liberation money: Cash paid to prisoners discharged, \$5 each, as directed by law.....	230 00
For gas and water expense: Paid town of Frankfort for use of gas and water for prison.....	174 42
For turnpikeage: Tolls paid for wagons hauling hemp, &c.....	144 07
For commissions: Paid commissioners for valuing stock, tools, and machinery on hand 1st March, 1849, the commencement of the new term.....	75 00
For fuel for Governor: Paid for fuel furnished Governor, as directed by act approved 28th February, 1849.....	30 75
For moral and religious instruction: Paid to ministers of the gospel, and others, for the moral and religious instruction of the prisoners.....	81 50
For stationery for use of office.....	52 24
For postage: Letters sent and received on business of institution.....	8 00
Total.....	\$34,801 83

Discharged as follows:

By cash received for the sale of bagging.....	17,736 96
By cash received for sale of articles at prison.....	6,157 10
By bills payable: Notes given for raw materials purchased on time, by written permission of the Governor.....	6,377 37
By cash received for lock-up fees, for the safe-keeping of slaves.....	80 00
By barter: Manufactured articles given in exchange.....	4,451 00
	\$34,801 83

(C.)

A Statement showing the resources and liabilities of the Prison on the 1st day of December, 1849, viz:

RESOURCES.

Aggregate amount of accounts and notes due the prison.....	\$16,905 52
Due from the Commonwealth, (balance to debit account).....	7,359 23
Bagging, &c., in hands of commission merchants at Louisville, on consignment, estimated to realize.....	2,430 30
Stock on hand: Raw materials and manufactured articles, not inventoried—supposed aggregate value, (keeper's estimate).....	18,000 00
• Making the total resources.....	\$44,695 05

LIABILITIES.

To N. Craig, balance to credit account, for advances, &c.	\$19,730 56
To various individuals, for sundries furnished institution, <i>accounts not rendered</i> , estimated at.....	6,270 30
To sundry persons, for hemp purchased for use of prison.....	3,231 39
To the officers and guards of the prison, for salaries due and undrawn.....	2,408 67
To bills payable: Notes given for the purchase of raw materials on credit, authorized by written consent of the Governor.....	6,377 37
To commission merchants, for advances on consignments of bagging.....	1,414 70
Total liabilities.....	39,432 99
Making the probable profits from the 1st day of March, 1849, to the 1st day of December, 1849.....	\$5,262 06

1844 to 1855—Newton Craig, Keeper.

(D.)

The following tables are given to show the number of prisoners received and discharged during the past year; the present number of inmates, their crimes, sentences, nativity, education, ages, previous habits, social relations, &c., viz.:

Number of prisoners in confinement on the 1st day of December, 1848, as per report of last year.....	161
Received into the prison from the 1st day of December, 1848, to the 1st day of December, 1849.....	52

Making..... 213

The number discharged during the same time is as follows:

By expiration of sentence.....	42
By pardon of Governor Crittenden.....	20
By restoration to the rights of citizenship, by pardon of Governor Crittenden one day previous to expiration of sentence.....	3
Deaths.....	4
Escapes.....	3

Making..... 79

Leaving in confinement on the 1st day of December, 1849..... 141

CRIMES.

Larceny.....	50
Horse stealing.....	29
Manslaughter.....	18
Passing counterfeit money.....	11
Burglary.....	8
Arson.....	4
Making counterfeit money.....	4
Assisting slaves to run away.....	4
Highway robbery.....	4
Bigamy.....	1
Perjury.....	1
Fraud.....	1
Sheep stealing.....	1
Intent to kill.....	1
Stealing slaves.....	1
Hog stealing.....	1
Rape.....	1
Mail robbery.....	1

Total..... 141

TERM OF SENTENCE.

For 4 years.....	30
For 3 years.....	23
For 10 years.....	17
For 5 years.....	16
For 2 years.....	15
For 6 years.....	10
For 7 years.....	7
For 1 year.....	6
For 8 years.....	2
For 40 years.....	2
For 2 years and 6 months.....	2
For 3 years and 6 months.....	1
For 4 years and 6 months.....	1
For 15 years.....	1
For 22 years.....	1
For 20 years.....	1
For 3 years and 3 months.....	1

Amount carried forward..... 138

1844 to 1855—Newton Craig, Keeper.

Amount brought forward	136
For 1 year and 6 months	1
For 12 years	1
For 2 years and 9 months	1
For 4 years and 9 months	1
For 6 years and 6 months	1
Total	141

COUNTIES SENT FROM.

Allen	1
Ballard	3
Bullitt	1
Bourbon	1
Breckinridge	2
Butler	1
Barren	1
Campbell	3
Carroll	1
Clarke	1
Calloway	1
Caldwell	1
Casey	1
Clinton	1
Fayette	4
Fulton	2
Fleming	2
Green	5
Graves	2
Grayson	1
Grant	2
Greenup	1
Hardin	3
Jefferson	58
Kenton	11
Logan	2
Livingston	1
Lincoln	2
Mason	2
Madison	1
Marion	2
McCracken	1
Monroe	1
Nelson	1
Oldham	2
Ohio	1
Owen	1
Perry	2
Pulaski	2
Russell	2
Simpson	2
Scott	1
Taylor	1
Union	1
Wayne	1
Washington	1
United States Court	1
Total	141

NATIVITY.

Kentucky	44
Virginia	18
Pennsylvania	13
Amount carried forward	75

1844 to 1855—Newton Craig, Keeper.

Amount brought forward	75
New York	11
Ireland	19
Ohio	7
Indiana	5
Alabama	5
North Carolina	5
Germany	4
Tennessee	4
Maryland	3
Scotland	2
South Carolina	2
Delaware	1
England	1
France	1
Louisiana	1
District Columbia	1
New Jersey	1
Vermont	1
Massachusetts	1
Total	141

EDUCATION.

Superior, or those who have a classical or scientific education	1
Good, or those who have had the benefit of a general English education	15
Common, or those who can read, write, and cypher	34
Poor, or those who can only spell and read	51
None, or those who are entirely destitute of education	29
Total	141

AGES.

From 15 to 20 years	13
From 20 to 30 years	73
From 30 to 40 years	29
From 40 to 50 years	19
From 50 to 60 years	5
From 70 to 80 years	2
Total	141

PREVIOUS HABITS.

Habitually intemperate	34
Occasionally intemperate	53
Temperate	52
Total	141

SOCIAL CONDITION.

Unmarried	73
Married	50
Widowers	13
Separated	5
Total	141

CHAS. S. WALLER, Clerk Ky. Penit'y.

OFFICE KENTUCKY PENITENTIARY, Dec. 10, 1849.

1844 to 1855—Newton Craig, Keeper.

PHYSICIANS' REPORT.

"The undersigned is afforded another opportunity of presenting a report, giving an account of the sanitary condition of the institution. In doing so, he feels gratified in being able to state that his efforts to render the inmates of the institution aid and comfort during the hours of affliction have been greatly promoted by the keeper and his assistants. During the five years in which he has had the charge of this department, no instance has occurred wherein he has been refused any aid or assistance whatever that he has required, either of the keeper or his subordinates. A course of kindness towards the inmates, in times of sickness, has been pursued by all who have had any control of them; and notwithstanding the many cases of pretended sickness which have occurred, in no instance, within my recollection, has any one been refused every attention and kindness which the nature of his case required. Cases of feigned sickness have frequently occurred, and will occur again, as long as the institution stands. The course pursued in such cases has been lenient, always preferring to let the guilty escape rather than punish the innocent. The average mortality in this institution will be found, on comparison, to be less than that of almost any other institution of a similar kind in the Union, while the diseases are equally as violent in character. I do not make this statement for the purpose of claiming any credit for skill, but to illustrate a fact of more importance. Whoever has read the reports of the keeper during the time he has had charge of the institution, will observe that his mode of management has been of a mild, persuasive character, using, under most circumstances, appeals to the reason of the offending inmate, rather than stripes, and other modes of punishment. The result of this course of treatment, while it has answered the ends of the law, has, in fully as great an extent, promoted the general health of the inmates. In no instance, within my knowledge, has unnecessary or excessive means of punishment been resorted to; and yet I am satisfied that the moral efforts have been as great, if not greater, than would have resulted from stripes and other violent means of correction. Many of the inmates, when brought to the institution, have their constitutions greatly injured by years of dissipation and idleness, and are not in either a condition of body or mind to comply strictly with the rules of the institution. All such, to some extent, receive indulgence for a time, and in most cases become good and faithful prisoners. The shops and work-houses are new and very comfortable, while the clothing and diet is of a kind well calculated to promote health and satisfaction. The hours of labor do not exceed those of other laboring men, and the amount required of each one never exceeds his ability to perform. Thus, we have, as the means of promoting and preserving health, the following elements, viz: An abundant supply of wholesome food, good substantial clothing, comfortable work-houses, with regu-

1844 to 1855—Newton Craig, Keeper.

lar hours for eating, sleeping, &c. To these may be added, kindness and promptness in every case of sickness, however trivial in its character.

“The following table will show the number of cases treated during the year, their character, &c. The column which gives the number of days lost, will show that we have had an unusual amount of sickness for the number of cases admitted. When we consider the character of the diseases which have prevailed throughout the country, we should feel thankful to Almighty God that we have suffered no worse here:

HOSPITAL REPORT FOR 1849.

MONTHS.	Number of cases.	Cured.	Dead.	Days lost.
January.....	18	16	2	19
February.....	10	10		33
March.....	1	1		3
April.....	11	11		20
May.....	8	8		23
June.....	11	11		51
July.....	50	50		143
August.....	27	25	2	120
September.....	18	18		168
October.....	15	15		80
November.....	11	11		54
December.....	14	14		65
Total.....	194	190	4	779

“Of the above cases, 1 was of asthma; 1 of cholera; 9 of intermittent fever; 5 of bronchitis; 31 biliary derangement; 1 of cancer; 32 of diarrhea; 2 of dropsy; 73 of flux or dysentery; 7 fractures; 7 of influenza; 5 of opthalmia; 6 of paralysis; 8 of rheumatism; 1 of rupture; 1 of stricture; 5 venereal, and 1 of pleurisy.

“The first two patients who died, were cases of consumption of long standing. The third died of cholera, and the fourth of flux. The first two were included in my report of last year, and died in the early part of January last. One of them had been pardoned a short time before his death, but was unable to leave the hospital. Several incurable cases still remain in the hospital.

W. C. SNEED, M. D.,
Physician Kentucky Penitentiary.”

“JANUARY 1, 1850.

VISITORS' REPORT.

“By the 16th section of an act to provide for a settlement with the present keeper of the penitentiary, &c., approved February 18th, 1848, the undersigned are constituted a board of visitors, and required to visit the penitentiary of this State, and report to the Legislature the condition of that institution during the year, and its management generally.

1844 to 1855—Newton Craig, Keeper.

“In the discharge of their duties, the members of the board of visitors have visited the prison oftener than once a month, though, perhaps, not in each month. Sometimes they have made these visits altogether, and sometimes a part only of the board has been in attendance, owing to the engagements of the other members.

“The board has regarded the health of the prison as unusually good, when the prevalence of disease during the past year, and the situation of the inmates are regarded. They have seen that suitable provisions were made for attending the sick prisoners, and providing them with necessary comforts. It has, indeed, been a source of gratification to the undersigned to witness the general cleanliness of all parts of the prison inclosures, especially during the prevalence of the cholera in the country. They have also reason to believe that a corresponding caution was exercised in relation to diet.

“No material improvements, not heretofore noticed, have been made in the institution during the past year, except the introduction of gas lights, authorized by the commissioners of the sinking fund, with the belief that it would materially assist in the police arrangements for the nights.

“We feel constrained to testify in favor of the general humanity and firmness with which the unfortunate convicts have been treated by the officers of the prison, as far as we have been able to form any opinion. The only exception to this general commendable conduct was the failure to provide in time a sufficient quantity of bed clothing for the winter; but we have been assured that this omission was, in great part, unavoidable, and has now been remedied. We, however, express the hope that it may not occur again.

“R. C. WINTERSMITH, *Treasurer*,

“THO. S. PAGE, *2d Auditor*,

“J. B. TEMPLE, *1st Auditor*,

“E. A. MACURDY, *R. L. Office.*”

The session of the Legislature of 1849–50 was made memorable in the history of this institution by a series of charges brought against the keeper of the penitentiary in a minority report made to that body by an honorable member of the same. Although partaking somewhat of a private matter, it is deemed of sufficient importance to find a place in this report, as the controversy brought out many facts in relation to the management of the institution, which are of great interest to the public, and will show in a prominent light the integrity and faithfulness of the keeper and the clerk in managing the State's interest in the affairs of the same. We have been compelled to abridge some of the documents, but have given sufficient to do ample justice to all the parties.

The following is the report of the joint Committee on the Penitentiary, made to the Legislature, February 6, 1850:

1844 to 1855—Newton Craig, Keeper.

REPORT OF THE JOINT COMMITTEE ON THE PENITENTIARY.

"The joint Committee on the Penitentiary, having jointly performed the duty assigned them, would respectfully beg leave to make the following report, viz:

"From such examination as the committee were able to make, from inspection and observation, they come to the conclusion that the prisoners are treated humanely—fed and clothed well. The committee, with a view to the further discharge of their duty, propounded in writing to the keeper and clerk of said prison such interrogatories as to the said committee seemed necessary and proper. All of said interrogatories have been answered by the said keeper and clerk.

"The committee also took the depositions of several gentlemen, for the purpose of learning the true condition of the business transactions of the said prison.

"The committee now having, as they think, faithfully discharged their duty, and with a view to the ends of justice, file herewith all the interrogatories, answers, and depositions, marked Nos. 1, 2, 3, and ask that the same may be taken and considered as a part of this report.

"S. S. ENGLISH, *Chairman*.

"THO. I. YOUNG,

"CHARLES HAMBLETON, } *Senate Committee.*

"JOHN S. MEDLEY,

"D. H. HARRISON, *Chairman*.

"J. C. GLASS,

"J. H. RIDDLE,

"BEN. P. CONNELL,

"JOHN L. FITCH,

"JAS. SOUSLEY,

} *H. R. Committee.*

FEBRUARY 6th 1850."

MINORITY REPORT.

"The minority of the joint Committee on the Penitentiary have been engaged in examining the affairs of the State prison, both as regards the manner in which it has been conducted, and the appearance and condition of the convicts. They report that from what they have been enabled to learn from inquiry and observation, the prisoners have been treated humanely, fed, clothed, and lodged in a proper manner, and that moral and religious instruction is extended to them.

"They regret, however, that they cannot report the business operations to have been conducted in a satisfactory manner. The convicts, although engaged in the most profitable mechanical and manufacturing pursuits, have not produced to the institution twenty cents per day for each able-bodied man; whilst it is known that manufacturers out of the prison hire negro men at nearly twice that amount per day, by the year, board and

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clothe them, pay their doctor's bill, run the risk of their dying, and still make a profit.

"Seeing this state of affairs, they felt it to be their duty to institute a strict inquiry into the most extensive branch of business carried on in the prison; this they ascertained to be the manufacture of cotton bagging. Upon inquiring of the keeper what number of looms had been engaged during the year ending on the 1st December, 1849, in making cotton bagging, and what was the product each week per loom, he answered that he had been working from 7 to 13 looms, and that 800 yards per week was the task, but that they often did more—sometimes as much as 1300 or 1400 yards per week. It was then suggested by a member of the committee that it would be better to have the questions and answers in writing; upon which the above questions, together with several others, were put in writing. Time was asked by the keeper to answer them, which was given. By reference to the questions and answers accompanying this report, it will be seen that in his written answer to the question, how many looms were engaged in making bagging during the year ending on the 1st December, 1849—the keeper replies, from 6 to 10; and in the months of July, August, and September, sometimes not more than 4, the number being occasionally lessened by reason of sickness, and other business; whereas, by the physician's report, the days lost by all the prisoners, and during the whole year, only amounted to 779, or less than 6 days for each convict. In answer to other questions, it is stated that, during the year, 263,300 yards constituted all the bagging that was made; that, exclusive of all charges, it sold for a fraction more than 14 cents per yard; and that from fifty to seventy-five hands have been engaged in making bagging.

"Now it is well known that sixty hands are amply sufficient to run 10 looms; consequently, at 800 yards per week, which is the task as given in the keeper's verbal answer, and which is not too much, they would produce in the year upwards of 416,000 yards; which, if sold at 14 cents per yard, would amount to \$58,240; and deducting 8,000 yards, or \$1,120 for one week's sickness, there still remains \$57,120. The quantity made, viz: 263,300 yards, at the same price, amounts to \$36,862, being apparently less by \$20,258 than it ought to have been.

"It will be seen, by reference to the annual report of the keeper of the State prison, that the clerk, in his exhibit marked A, credits the prison by \$5,069 60, received for bagging, in the first term; that in exhibit marked B, he credits it by \$17,736 36, received in the second term; and that in exhibit marked C, he estimates bagging, &c., in the hands of commission merchants in Louisville at \$2,430 30—making in all, cash received, and estimated value of what is unsold, \$25,236 26. From what appeared in the report, it could not but be inferred that this was the whole amount

1844 to 1855—Newton Craig, Keeper.

received for bagging during the year. But upon being informed that 263,300 yards had been made, and that it netted a fraction over 14 cents per yard, it was immediately seen that it would have produced \$11,625 74 more than the \$25,236 26 reported. They inquired what had become of this amount; to which the clerk replied in written statement herewith filed.

"They have ascertained that the keeper, during the last year, bought hemp on long credits, and in some instances paid, or is to pay, interest at the rate of 10 per cent. per annum, which they think improper, as the State of Kentucky could surely get money at a less rate.

"In answer to a question, it is stated that the keeper shipped a little over four tons of hemp to Louisville; but the committee have ascertained that he has bought and shipped a very large amount of hemp—how much they are unable to say; but on one steamboat, (the Sea Gull,) he shipped 285 bales; on the Blue Wing he also shipped — bales, thus making, on these two boats alone, —; involving the outlay of a large sum of money. Although it may be said by the keeper that the speculation was entirely his own, and that the State has no interest in it, yet it is deemed proper that the keeper, to whom the State has committed so large an interest, should attend to it, and not embark in speculations by which his time is taken up, and in which there is so much temptation to use the means of the institution. It also appears that a part, if not all, the hemp, thus bought and shipped, was hackled and baled in the State prison, which is also regarded as improper, as it puts it in the power of the keeper to have the labor performed for less than it is worth, even if he charges himself with it at all.

"They have not made any examination into the manner in which other branches of business have been managed in the prison; but from the small amount of estimated profits of the institution, (being only for the last nine months \$5,262 06,) they think themselves warranted in the inference that they have not been managed more successfully.

"It is, perhaps, but proper to remark, that since the above report was written, upon a careful examination of all the papers, it is discovered that 4,900 yards of bagging were manufactured for L. Lindsey, (in addition to the 263,300 yards,) for which Lindsey paid the keeper \$220 50, and that there is a small part of the bagging unsold. The written questions, answers, accounts, and depositions are referred to in proof of the facts stated in this report.

O. ANDERSON."

1844 to 1855—Newton Craig, Keeper.

DOCUMENTS.

(No. 1.)

"OFFICE KENTUCKY PENITENTIARY,
 "Frankfort, 16th January, 1850. }

"To the Honorable Committee on the Penitentiary:

"GENTLEMEN: Herewith you have the questions propounded on last evening, with the answers annexed, to-wit:

"1st Question. How many looms have been engaged in the State prison in making cotton bagging during the last season, and what amount did they make each week?

"Answer. From six to ten; during the months of July, August, and September last, sometimes not more than four, from sickness; and occasionally the number lessened, by being engaged at other business. Good weavers are required to weave 750 yards per week; inexperienced, 500 yards per week; and those learning to weave, 300 yards per week, for a short time after commencing.

"2d Question. What amount of hemp is consumed in making one yard of bagging?

"Answer. From one and five eighths to one and three fourth pounds per yard.

"3d Question. What price has been paid for the hemp during the last season?

"Answer. The average price paid for hemp during the last season, to-wit: from March 1st, 1849, to December 1st, 1849, was six dollars fourteen and a half cents per 112 pounds.

"4th Question. What price per yard has the bagging been sold at, exclusive of charges for sales, transportation, insurance, &c.?

"Answer. From the accounts of sales rendered by our commission merchants, from the 1st of March, 1849, to the 20th of October, 1849, the average sales of our bagging was fourteen cents and forty-three one hundredths per yard, after deducting all charges for transportation, commission and guaranty, insurance, &c. This was paid in acceptances, generally, at four months, which had to be discounted before realizing the money. The amount given in our report to-wit: \$17,736 36, as being received for the sale of bagging in the second term, is not the entire amount received from this source, but that portion of it which was used to meet the expenditures named above, as stated in said report; the balance was withdrawn by the keeper, as will be noticed in the lessening of his credit, on comparison with his report last year.

"5th Question. Is the manufacturing of bagging the most profitable business in the prison; if not, what is?

"Answer. The manufacture of bagging is the heaviest business carried on in the prison, and from which its profits are derived; it is more profitable than any other branch number and

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character of hands could be employed. There are minor branches yielding better profits in proportion to the number of hands employed; but these require good mechanics, and such as are so when received at the prison, or can be made so during their sentence, are thus employed.

"6th Question. How much bale rope has been manufactured in the prison, and what price has it sold at, &c.?"

"Answer. None manufactured.

"7th Question. How many convicts have been engaged during the last season in making bagging?"

"Answer. From fifty to seventy-five. The average is difficult to determine—the number is continually changing from various causes—sentences expiring—sick in hospital—taken out to unload boats of coal, wood, timber, &c. Many of the sentences are so short that a man scarcely learns to do good work, and a fair task, before his time expires. From these causes there never can be any regularity in the number of hands employed, or the quantity of work done.

"Very respectfully,

N. CRAIG."

(No. 2.)

"OFFICE KENTUCKY PENITENTIARY, }
"Frankfort, January 17, 1850. }

"To the Honorable Committees on the Penitentiary:

"GENTLEMEN: The following questions have been handed me by the keeper to be answered from the books of the prison, to-wit:

"1st Question. How many yards of bagging was made in the State prison during the year ending the 1st December, 1849?"

"Answer. The number of yards shipped for sale on consignment, and sold at the prison during the year ending 1st December, 1849, as exhibited by the books of the prison, was 263,300 yards.

"2d Question. How much hemp was purchased at the State prison during the same year?"

Answer. The quantity of hemp purchased and received at the prison during the year ending 1st December, 1849, was.....	203 tons, 17 cwt., 1 qr., and 19 lbs.
Deduct from this, amount sold to Smith & Shotwell.....	4 tons, 1 cwt., 0 qr., and 17 lbs.

Leaves amount manufactured into bagging for the prison...	<u>199 tons, 16 cwt., 1 qr., and 2 lbs.</u>
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"The average net price per yard for bagging sold, as given in answer to an interrogatory the other day, was not calculated from the transactions of the entire year, but only from March, 1849, to October, 1849, as stated in that answer, which was thought sufficient at the time. But as it seems that there are still some facts desired to be known by the honorable committees in regard to the manufacturing and sale of bagging by the prison during the past year, and that the matter may be fully exhibited and

1844 to 1855—Newton Craig, Keeper.

understood, I will here give sundry statements, showing minutely and explicitly our transactions in this branch of labor during that time, to-wit:

We had in the hands of our commission merchants (Messrs. Smith & Shotwell) on the 1st day of December, 1848, of bagging..... 8,000 yds.
We shipped to them, from the 1st day of December, 1848, to 1st day of March, 1849 17,000 yds.

Making 25,000 yds.

Also 81 cwt., 0 qrs., and 17 lbs. of hemp on consignment.

Twenty-three thousand six hundred yards of this bagging was sold previous to the 1st of March, 1849, netting..... \$3,294 43

Add balance of interest on account, favor of prison 112 01

The net proceeds from the sale of the hemp (named above) amounted to 494 21

Making \$3,900 65

Deduct this amount from balance due from Messrs. Smith & Shotwell

(for advances) as per account on the 1st day of December, 1848 \$364 03

Paid N. Craig, by Smith & Shotwell, in drafts..... 6,000 00

6,364 03

\$2,463 38

Also deduct prison account against Messrs. Smith & Shotwell for tombstone, &c. 39 57

Leaves a balance due Messrs. Smith & Shotwell, on the 1st day of March, 1849 \$2,423 81

Received for sales of bagging from 1st December, 1848, to 1st March, 1849, to-wit:

Amount paid to N. Craig by Smith & Shotwell in drafts, see foregoing statement \$6,000 00

6,000 yards bagging sold to L. Lindsey for..... 855 00

1,500 yards bagging sold to Silas Craig for..... 214 60

All received by and charged to N. Craig \$7,069 60

Deduct amount withdrawn by N. Craig, as shown by his account, and reducing the balance to his credit this sum..... 2,000 00

Leaves amount used to meet the current expenses of the prison, as stated in my report..... \$5,069 60

COMMENCEMENT OF NEW TERM.

Bagging in hands of Smith & Shotwell on the 1st day of March, 1849, as shown in previous statement..... 1,400 yds.

Shipped to them from 1st March, 1849, to 1st December, 1849..... 183,850 yds.

Making 185,250 yds.

Also 5,685 pounds of bacon on consignment.

158,950 yards of this bagging was sold previous to the 1st day of December, 1849, the net proceeds of which amounted to..... \$22,938 60

The net proceeds from the sale of the bacon named above amounted to 281 41

Making \$23,220 01

To which add interest to debit of account of Messrs. Smith & Shotwell..... 332 93

Total charge to Smith & Shotwell..... \$23,552 94

Which when deducted from balance in favor of Smith & Shotwell

on the 1st March, 1849, as heretofore stated..... \$2,423 81

Amount paid to N. Craig in acceptances and charged to him..... 22,443 83

Amount paid Junius Ward on order from prison 100 00

21,967 64

Leaves balance in favor of Smith & Shotwell 1st December, 1849, as stated in my report..... \$1,414 70

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Received for sales of bagging from 1st March, 1849, to 1st December, 1849, to-wit:	
Net proceeds of sales by Smith & Shotwell paid to N. Craig, (as heretofore shown,) in acceptances, principally at four months	\$22,443 83
From which deduct estimated discounts on these bills, (exact statement not obtained from banks until March)	500 00
	<hr/>
Received of Lindsey for manufacturing 4,900 yards of bagging	\$21,943 83
Received of Chapman Coleman for 20,000 yards of bagging sold him	*220 50
Received of Gen. W. Johnson for 14,950 yards of bagging sold him	*3,280 00
	<hr/>
All received by and charged to N. Craig	\$27,423 33
Deduct aggregate of amounts marked thus * sold at prison and enumerated in report under head of "articles sold at prison"	5,478 50
	<hr/>
Leaves	\$21,943 83
Deduct amount withdrawn by N. Craig, as shown by his account, and reducing the amount to his credit this sum	4,207 47
	<hr/>
Leaves the actual amount used from this source to meet the current expenses of the prison, as stated in my report	\$17,736 36
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Recapitulation of bagging manufactured for the prison, sold and shipped during the year ending the 1st December, 1849, (as shown in the foregoing statements,) to-wit:	
Shipped to Smith & Shotwell from 1st December, 1848, to 1st March, 1849	17,000 yds.
Sold to Lindsey during same time	6,000 yds.
Sold to Silas Craig during same time	1,500 yds.
Shipped to Smith & Shotwell from 1st March, 1849, to 1st December, 1849	183,850 yds.
Sold to Chapman Coleman during same time	20,000 yds.
Sold to Gen. Johnson during same time	14,950 yds.
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Making	243,300 yds.
To which add 20,000 yards sold and settled for in June, 1848, and not manufactured and delivered until December, 1848, and April, 1849	20,000 yds.
	<hr/>
Making in all	263,300 yds.

"The quantity of hemp purchased and received into the prison during the year ending 1st December, 1849, as before stated, was 203 tons, 17 cwt., 1 qr., and 19 lbs.; deduct from this the amount shown to have been sold to Smith & Shotwell, to-wit: 4 tons, 1 cwt., 0 qrs., and 17 lbs.; left to be manufactured into bagging 199 tons, 16 cwt., 1 qr., and 2 lbs., which is 447,582 pounds of hemp; divide this quantity by the number of yards of bagging manufactured, as stated above, to-wit: 263,300 yards, and it gives one pound and sixty-nine one hundredths of a pound of hemp in each yard, very near the exact average between one and five eighths (which would be one sixty-two and a half hundredths,) and one and three fourths, (which would be one and seventy-five hundredths,) as stated to be the weight of our bagging per yard in answer to a previous interrogatory.

"I have tried to make this statement full and explicit, with the belief that, if made in this manner, it would explain any difficulties that might exist in regard to a proper understanding of the transactions of the prison in this branch of labor during the past year, and I hope that it will prove satisfactory.

"Should there be any thing else connected with the books of the prison, which is not satisfactorily understood by every member of the honorable

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committee, I trust that they will do me the justice and the favor to make it known, that I may have the opportunity to explain, and show the facts as they exist.

Very respectfully,

"CHAS. S. WALLER, Clerk Penit'y."

(No. 3.)

"OFFICE KENTUCKY PENITENTIARY, }
"Frankfort, January 24, 1850. }

"To the Honorable Committee on the Penitentiary:

"GENTLEMEN: The following statements and estimates are submitted in reply to the questions put at your last meeting, to-wit:

"1st Question. State how you have disposed of the bagging made in the State prison from the 1st December, 1848, to the 1st December, 1849? If consigned, state to whom, and at what place? If sold, state to whom? Specify the name of each house to whom you have either sold or consigned, giving the quantity either sold or consigned to each person?

"Answer. The penitentiary shipped to Smith & Shotwell, commission merchants, at Louisville, Kentucky, from the 1st of December, 1848, to the 1st of December, 1849, 200,850 yards of bagging on consignment; and this is the entire quantity consigned by the prison during the year. Messrs. Smith & Shotwell sold for the penitentiary during the year ending 1st December, 1849, (as shown in a previous statement furnished the committees,) as follows:

From 1st December, 1848, to 1st March, 1849.....	23,600 yds.
From 1st March, 1849, to 1st December, 1850.....	158,950 yds.
Total	<u>182,550 yds.</u>

The penitentiary sold to individuals, from the 1st day of December, 1848, to the 1st day of December, 1849, as follows:

To Laz. Lindsey.....	6,000 yds.
To Silas Craig.....	1,500 yds.
To Chapman Coleman	20,000 yds.
To Gen. Wm Johnson.....	14,950 yds.

Total sold to individuals	42,450 yds.
Add quantity sold by Smith & Shotwell	<u>182,550 yds.</u>

Total amount of bagging sold by the prison during the year ending 1st December, 1849.....	<u>225,000 yds.</u>
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Received for sales of bagging from 1st December, 1848, to 1st December, 1849, to-wit:

Of Smith & Shotwell, from 1st December, 1848, to 1st March, 1849, in bills of exchange, received by and charged to N. Craig	\$6,000 00
Of Smith & Shotwell, from 1st March, 1849, to 1st December, 1849, in bills of exchange, received by and charged to N. Craig	22,443 83
Also, \$100 in cash, paid to Junius Ward in November, 1849, on order from the penitentiary	100 00

Total amount received from Smith & Shotwell during the year.....	<u>\$28,543 83</u>
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Amount carried forward.....	\$28,543 83
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1844 to 1855—Newton Craig, Keeper.

Amount brought forward	\$28,543 83
From which deduct the net proceeds of the sale of 81 cwt., 0 qrs., and 17 lbs. hemp	\$494 21
Also, for the sale of 8,685 pounds bacon	281 41
(As shown in a previous statement to the committees,) amounting to	775 62
Leaves the entire amount received from Messrs. Smith & Shotwell, on account of sales of bagging during the year ending 1st December, 1849	\$27,768 21
Received for sales at prison during same time, to-wit: Of L. Lindsey for 6,000 yards sold him, cash	\$855 00
Of Silas Craig for 1,500 yards sold him, cash	214 60
Of Chapman Coleman for 20,000 yards sold him, cash	3,200 00
Of Gen. Wm. Johnson for 14,950 yards sold him, (net proceeds negotiable note)	2,058 00
	6,327 60
Total amount received on account of sales of bagging from 1st December, 1848, to 1st December, 1849	\$34,095 81

All received by and charged to N. Craig, as shown by his account current herewith accompanying, except the \$100 paid to Junius Ward by Messrs. Smith & Shotwell, which was charged to Ward on the prison books at the time.

RECAPITULATION OF BAGGING.

Consigned to Smith & Shotwell during the year, as shown in the foregoing state- ment	200,850 yds.
Sold to L. Lindsey during the year, as shown in the foregoing statement	6,000 yds.
Sold to Silas Craig during the year, as shown in the foregoing statement	1,500 yds.
Sold to Chapman Coleman during the year, as shown in the foregoing statement	20,000 yds.
Sold to Gen. Wm. Johnson during the year, as shown in the foregoing statement	14,950 yds.
Delivered to C. S. Waller amount purchased and paid for in June, 1848, and not manufactured and delivered until December, 1848, and April, 1849	20,000 yds.
Making the whole amount of bagging disposed of in every way by the prison, from the 1st day of December, 1848, to the 1st day of December, 1849, (as stated in a previous estimate furnished the committees)	263,300 yds.

"2d Question. State of whom you purchased the hemp during the year, specify the name of each person from whom you purchased; the quantity you purchased from each; the price paid for each lot; and whether you paid cash or bought on credit.

"Answer. (See statement at the end of No. 3, marked A.)

"From this statement the average price of hemp purchased during the whole year is about \$6 22 per 112 pounds, including interest added upon time purchases. The average price paid for hemp from the 1st March, 1849, to the 1st December, 1849, (nine months of the year,) was stated, in answer to a previous interrogatory, to have been about \$6 14½ per 112 pounds. In making the last named partial estimate, I gathered the data upon which it was based from my journal, taking only such purchases as had been settled for. In this statement it will be seen that the entire purchases of the year are included, embracing also, (which was not calculated in the first estimate,) \$3,291 39 worth of hemp, standing upon our hemp books, and not settled either by cash or bills payable, on the 1st December, 1849.

"With this explanation, the apparant discrepancy between the two statements, although quite trivial, is reconciled.

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"3d Question. If you cannot make full answers to these questions, or to any part of them, state the reason why?

"Answer. I have made full answers to all the questions asked me.

"4th Question. Are not all these facts shown on the books of the clerk of the State prison, and if not, state what portion are, and the reason why all do not appear?

"Answer. They are, and I have shown them.

"5th Question. Have you bills of lading for all the bagging shipped to merchants or others during the year; if so, please hand them to the committees?

"Answer. I have; and my bills of lading book, and every other book in my office, is at all times open to the inspection of any committee of the Legislature.

"I have now, gentlemen, furnished statements showing every pound of hemp purchased by the prison during the year, of whom purchased, the price paid for it, and how paid. I have also furnished statements showing every yard of bagging manufactured during the year, and how every yard was disposed of, and who to. These statements *prove each other to be true*; divide the whole quantity of hemp purchased by the number of yards of bagging manufactured, and it gives you one pound and sixty-nine hundredths of hemp in each yard of bagging, within one quarter of a *hundredth* of a pound of the exact average between one and five eighths and one and three fourths per yard, as stated to be the weight of our bagging, in answer to an interrogatory put at the commencement of this investigation. This proves beyond the shadow of a doubt, that all the hemp purchased (except the small lot sold to Smith & Shotwell, which a previous statement shows that I deduct before making this calculation) has been manufactured into bagging, and that all the bagging which it would manufacture has been accounted for. And now, in order to make the statements complete, and to insure conviction to those who have doubts of our correctness in this branch of labor, I have drawn off N. Craig's account current with the prison for every month in the year, and balanced it monthly; beginning with the balance to his credit on the first day of December, 1848, as shown in our report to the Legislature last year, to-wit: \$27,299 05, and ending with the balance remaining to his credit on the 1st day of December, 1849, as stated in our report to the present Legislature, to-wit: \$19,730 56.

"I have previously stated that the entire amount received for the sale of bagging during the year, (with the exception of one hundred dollars paid to Junius Ward,) was *received* by and *charged* to N. Craig upon the prison books. You will find, by an examination of his account current, (herewith submitted, Nos. 4 to 15 inclusive,) that this statement is true. I have marked the items to his debit in this account for sums received on account of bagging sold, thus*, that they might be referred to the more readily.

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stated in our report of last year, \$27,299 05; by our report of this year, it is shown that the prison was only indebted to N. Craig on the 1st day of December, 1849, the sum of \$19,730 56, thus showing that its liabilities in this quarter had been reduced \$7,568 49 during the year. Col. Anderson thought that this seven thousand and odd dollars ought to appear as so much profits. The reason why this liability had diminished, was because Capt. Craig had withdrawn a portion of the funds received from the sale of bagging, &c., as I then stated. Now is seven thousand dollars worth of bagging sold, seven thousand dollars profit? When a merchant sells a hat for \$5 which cost him \$4, does he make \$5 profit? Most certainly not. True, if the *other* liabilities of the prison had remained precisely the same during the year, and this one had been diminished this much, the amount lessened would have been profits, provided the resources also had remained the same; but while the liability to N. Craig has diminished, the prison's indebtedness to others *has increased*; the material out of which we made the bagging to pay the one, is *yet to be paid for to the other*, (see the items of bills payable and other liabilities.) As a proof that this is correct, suppose the seven thousand and odd dollars had *not* been paid to N. Craig—put it down as *cash*, and add it to the resources, then, of course, the liability to N. Craig will stand at its original amount before this was paid, to-wit: twenty-seven thousand and odd dollars. This will increase the total liabilities precisely in the same proportion as it does the resources, and of course the result will be exactly the same as it now stands.

“This conclusion is certainly correct, and I am convinced that Col. Anderson will agree with me upon reflection.

“The honorable committees desired that I should furnish full and explicit statements in regard to all these matters, and I have done so.

“Very respectfully,

“C. S. WALLER, *Clerk Penitentiary.*

“N. B. Perhaps it is proper to add, that so far as relates to the correct or incorrect manner in which the books of the prison have been kept, Capt. Craig is in nowise responsible; the manner of my appointment places me entirely independent of him, and he has no control over my entries whatever. No man has ever made an entry in these books but myself, and I alone am responsible for every entry upon them.

“I *know* that they have been *faithfully* and *correctly* kept, and the statements which I have submitted, (in the opinion of some of the best accountants in the State,) incontestibly *prove* the fact. But, if after these statements shall have been closely and critically scanned by the honorable committees, there should remain the *shadow of a doubt* in the mind of any member, as to the correctness of these accounts in *any particular*, I earnestly *beseech* you, gentlemen, as an act of justice to one who professes to

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have been an honest and faithful officer, *to probe the cause of these doubts to the bottom*. Truth, like pure gold, shines but the brighter by being rubbed; or, like the sunlight, its pure rays will dispel the gloom from any other object shone upon.

“C. S. WALLER, *Clerk Penitentiary*.”

After the report of the joint and minority committees, a select committee was appointed by the Senate to investigate the whole matter, whose report will be found, in substance, as follows:

“Mr. Underwood, from a select committee, made the following report, viz:

“The undersigned, appointed a committee of the Senate to investigate the charges against Mr. Newton Craig, keeper of the penitentiary, contained in the report of Col. Anderson, minority of the joint Committee of both Houses of the Legislature on the Penitentiary, have discharged that duty, and beg leave to report: that in the outset of their investigations, they felt it due to the gentlemen concerned to address to them the letters hereto appended—marked A and B; the one to Mr. Craig, calling on him for a succinct statement, in writing, of the points in Mr. Anderson’s report which, in his opinion, did him injustice; and the other to Mr. Anderson, stating that they would receive with pleasure any communication or suggestion he might wish to make, or hear any testimony to which he would refer them, touching the matters contained in his report. They also propounded to Mr. Craig certain written interrogatories, which, with the answers to them, are embodied in his statement and answer to the letter addressed to him, hereto appended, marked C. They received from Col. Anderson a reply to the letter addressed to him, also here appended, marked D. They were also furnished with the subjoined letter from Mr. Charles S. Waller, clerk of the penitentiary, marked E, in explanation of his books, and vindication of his conduct—necessarily, though not directly impugned, as he supposed, by the report of the minority of the committee. (Documents A, B, and C may be found in Public Documents, 1850.)

“This committee proceeded then to analyze the report of the minority, and to extract from it the charges made, or necessarily implied therein, against Mr. Craig. They are, substantially: 1st. That the convict labor is so much less profitable than that of manufacturers out of the prison, as to indicate mismanagement or fraud. 2d. That the keeper, during the last year, bought hemp on long credits, and in some instances paid, or is to pay, interest at the rate of 10 per cent. per annum, which the minority think improper. 3d. That he has acted improperly in relation to certain quantities of hemp shipped by him, of which two lots—one of 4 tons and the other of 285 bales—are specified; that he had a part, if not all of this hemp, hackled and baled in the State prison, putting it in his power ‘to have labor performed for himself for less than it is worth, even

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if he charges himself with it at all.' 4th. That although no examination was made into the manner in which other branches of business in the penitentiary was managed, yet from the small amount of estimated profits in nine months, viz: \$5,262 06, Mr. Anderson thinks himself 'warranted in the inference that they have not been managed more successfully'—meaning, this committee supposes, that the minority concludes they have not been managed well.

"To the matters bearing upon this general statement of the charges expressed or implied against Mr. Craig, the committee directed their careful and laborious attention; and, in doing so, they have been anxious to ascertain what was the testimony before the former committees, upon the questions involved. They proceed to investigate the charges separately: 1st. Is the convict labor so much less profitable than that of manufacturers out of the prison, as to indicate mismanagement or fraud? This committee are constrained to think not. It is correctly stated in the report of the minority, that 'the probable profits of the prison from the 1st of March, 1849, to the 1st of December, 1849, are \$5,262 06.' This period embraces those months when the cholera, with its terror and death, visited Kentucky, and fell with some violence upon the inmates of the prison. Add, however, at the same rate, the profits of the remaining three months of the year, and you have an aggregate of profit, after paying all expenses, of \$7,016 10. There being 141 convicts in the penitentiary, this gives \$49 76 per head. But each has to bear his proportion of the extraordinary expenditures necessarily incurred in keeping up the penitentiary as a public prison, and confinement to the convicts of the State. The aggregate of these (and this fact does not appear to have been noticed by the minority) amounts to \$4,710. The proportion of this which each convict must bear is \$33 40; thus making the average labor of each one of 141 men, heterogeneously thrown together, with every variety of disposition and habits, some accustomed to, but many totally unused to labor, amount to \$83 16 per man—a result, without any further explanation, at which, it seems to us, the State might not be dissatisfied. But it was shown, as this committee are led to believe, both to the former committee as well as to themselves, that within the year 1849, the penitentiary was peculiarly embarrassed in its business operations by sickness, greatly beyond the number actually under the care of the physician; that many who were well had necessarily to wait on the sick, and that many who were not sick enough to go into the hospital were too unwell to work. Besides this, from the facts before the former committee, and submitted to this, it appears that the price paid for hemp in the public market was high, and the price for the manufactured article not proportionably so. Hence the year 1849 may not be—and this committee supposes is not—a fair year by which to exhibit the true results and profits of the penitentiary; but when its pecu-

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liarities are considered, they explain, as this committee believe, any apparent falling off in the business and profits of the prison.

“This committee have no doubt, further, that the honorable gentleman who composed the minority of the joint Committee on the Penitentiary, was misled in his estimates and calculations by a desultory conversation between himself and Mr. Craig, as to the number of looms worked in the penitentiary, and the number of yards of bagging woven by each weaver per week. That a conversation, in many respects such as that referred to in the minority report, did take place, this committee have no doubt. But it is most evident from the testimony in regard to it, herewith submitted, that it was rather a statement of extreme quantities of bagging that had been, under peculiar circumstances, woven in a week, than a statement of the general average of work done in the penitentiary, or possible to be done any where. It is shown to have been work done in a race, and that the keeper said, at the same time, that he could not brag of the bagging—that he had to put a stop to it immediately; and some of the gentlemen who deposed before us concerning it, stated that he also said the man who won the premium was unable to do any work for some weeks afterwards. It will not do, therefore, to take such a case from which to deduce an average. Again: Mr. Craig stated, in his answers to the joint committee, that his good weavers were required to weave 750 yards, inexperienced 500, and learners 300 yards per week. This committee have not learned, of any proof, that this was less than should be required of them, particularly as they cease to work at sunset. On the contrary, it is proven by Messrs. Watson, Shouse, McConnell, and Macklin, whose statements are again referred to, to be reasonable, and that 800 yards is an unreasonable average. His first error, then, is in fixing on too high an average for a weaver, in a week; his next is in allotting too few hands to a loom. He assumes it ‘to be well known that sixty hands are amply sufficient to run ten looms.’ Of picked hands this may be true; of the general average of hands, and particularly of such as are put to the bagging business in the penitentiary, this committee are satisfied, from the evidence of Messrs. Shouse, McConnell, and Macklin, that it is not enough. His third is, the estimating too many looms as constantly employed. This must have resulted from overlooking the answer of Mr. Craig to the first question propounded by the joint committee, in which he states, ‘they run from six to ten looms, and in July, August, and September last, some times not more than four.’ This committee have seen no disproof of this statement, and it is corroborated by the statement of Mr. Suggett and Mr. Watson, hereto appended. (See Public Documents, 1850.)

“When these corrections are made, and proper estimates based on them, it is manifest that the quantity of bagging produced will, in all probability, not be found too low. But the committee are happy to say that the correctness of the quantity of bagging reported by the keeper is the sub-

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ject of mathematical demonstration. It is stated by him, in his answer to the joint committee, that from one and five eighths to one and three fourths pounds of hemp was consumed in the manufacture of one yard of bagging. This fact seems not to have been controverted by the minority. It is, at all events, corroborated by Messrs. Watson and Macklin, experienced manufacturers, whose statement appended is here referred to. It is also shown that the keeper purchased, within the period in question, 203 tons, 17 cwt., 1 qr., and 19 lbs. hemp; and the name of each individual of whom he purchased each and every parcel publicly given and published; affording the fullest opportunity of detection and exposure, if the statement was not true. Of this, 4 tons, 1 cwt., 0 qr., and 2 lbs., were sold to Smith & Shotwell, and are regularly accounted for; thus leaving 199 tons, 16 cwt., 1 qr., and 2 lbs. to be manufactured into bagging. This is equal to 447,582 pounds of hemp. Divide this by the quantity of bagging reported, to-wit: 263,300 yards, and you have one and seven tenth pounds, being almost the exact quantity per yard stated by Mr. Craig, and corroborated by Messrs. Watson and Macklin. This is conclusive, and establishes the correctness of the quantity of bagging reported, beyond all reasonable question farther.

"2d. 'That the keeper, during the last year, bought hemp on long credits, and in some instances paid, or is to pay, interest at the rate of 10 per cent. per annum,' &c. Your committee have ascertained that the purchases made upon credit were in pursuance of a written permission given to the keeper by his Excellency, the Governor, in conformity to an act of the Legislature, and they hereto annex a copy thereof. As to the 10 per cent. interest, it also satisfactorily appears that it was not interest for the use or forbearance of money, but rather an agreed price for the purchase of hemp, whereby time was indeed obtained for the payment of the money, but the article procured for the benefit of the penitentiary at 12 cents per cwt. less than the then market price. Hemp, not only according to the statement of Mr. Craig, but of other witnesses, whose testimony is annexed, was selling at 6 cents per pound, making \$6 72 per cwt. Two instances only occurred in which the keeper agreed to give the 10 per cent. on the purchase. In one he gave \$6 for 112 lbs., payable at 12 months, and in the other, the same price and interest, payable at 15 months, with 10 per cent. interest; making only \$6 60 per cwt., interest included, at the end of 12 months, for the hemp thus purchased. The books, which we examined, kept by Mr. Waller, show a fair original entry charged against the keeper for the interest on the 15 months purchase which accrued after 12 months expired, upon a credit of which the Governor had authorized the keeper to make purchases. The State is charged, then, no part of this interest over 12 months. The transaction was a profitable one to the Commonwealth, and no censure, in the opinion of this committee, is deserved by the keeper.

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“3d. ‘That he has acted improperly in relation to certain quantities of hemp shipped by him, of which two lots—one of 4 tons, and the other of 285 bales—are specified.’ The 4 tons of hemp alluded to belonged to the prison, and have been sold and accounted for, at fair rates. This committee knows of no prohibition to the keeper to sell an unmanufactured, more than a manufactured article. It was purchased at \$5 75 per cwt., or a little less, and sold at \$6 per cwt., purchasers paying freight, whereby the prison realized a small profit. The 285 bales were the private property of Mr. Craig, upon which he had a large amount of work done in the penitentiary, preparing it for market. This committee, with some care, have investigated this transaction, and they are entirely satisfied that the prices charged against him for the work, are fully up to those charged to others, by the penitentiary, for similar work, and are fair and reasonable. They refer again to the testimony of the experienced and intelligent hemp manufacturers, Messrs. Macklin and others, who deposed before them, as explicit and satisfactory upon this point. They have caused the original account of Mr. Craig with the penitentiary for this work to be copied and appended hereto, with its original indorsements thereon; showing that the enlightened clerk of the penitentiary, watchful of the interest of the State, did not allow it until the justness in the only item not customary in charges to others, had been established by a disinterested gentleman and manufacturer, Mr. Watson, familiar therewith. It is proper to say that it was proven before us that ten men could bale, as this hemp was baled, 40 bales per day; hence it is manifest that 30 cents per bale is fair compensation. As to the propriety or impropriety of the keeper ‘having labor performed for himself’ in the penitentiary, the committee remark it is clearly sanctioned by law; and it is guarded against abuse by the intervention, on the part of the State, of an officer of her own—the clerk of the penitentiary—entirely independent of the keeper, so situated and posted, that under his eye all such transactions must pass; and the committee are happy to believe, that whilst the present enlightened and accomplished officer, Mr. Waller, fills that station, the State has nothing to fear.

“4th. The minority of the joint committee felt warranted in the inference that the penitentiary had not been well managed, from the small amount of estimated profits for nine months in last year, from the 1st of March to the 1st of December, inclusive. This committee have already shown, that in their opinion the profits are reasonable and satisfactory. That, indeed, all the circumstances considered, they are, in fact, beyond what might have been anticipated; and when compared with the profits of similar institutions of our sister States, are highly creditable to our own. From a recent summary of the profits of the penitentiaries of the other States, reported session before last to the Kentucky Legislature, by the joint committee of

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both Houses on the penitentiary, they learn that in the Michigan State prison, with 126 convicts, the clear profits in 1847 were \$368 61. In the Ohio prison—said to be the best managed in the United States—with 461 prisoners, her clear profits, the same year, were \$15,504. The Maryland prison, in 1845-6, with 287 convicts, yielded \$1,222 92 profits. The Mississippi prison, in 1846, with 89 convicts, fell short \$884 53 of supporting itself. The Connecticut prison, in 1847, with 150 prisoners, yielded \$3,472 12 profits; and the great Auburn penitentiary of New York, with an average of 778 prisoners, yielded \$4,806 12 profit to the State; whilst the Kentucky penitentiary, in 1849, visited by cholera, and embarrassed in its operations—as has been shown—with 141 prisoners, has yielded a profit, after paying all expenses, of \$7,016 10, as estimated for the year, or \$5,262 06, as properly stated by Colonel Anderson, for nine months.

“This committee cannot close this report without making three additional remarks:

“1st. That the books and accounts of Mr. Waller, clerk of the penitentiary, were carefully scrutinized by those of this committee most conversant with book-keeping, and exhibited in him, at the same time, the most accomplished skill as an accountant, and the most scrupulous honor as a man.

“2d. That they were induced to observe the various branches of labor carried on in the penitentiary—the dress and appearance of the convicts—and even the meat-house, the kitchen, and the table; and they found exhibited excellent preparations, by machinery, for carrying on the various operations and manufactures—comfort and plenty in the appearance of the convicts, and abundance of provisions of excellent quality provided for them.

“3d. That whilst they acquit Mr. Craig from every charge of impropriety, expressed or implied against him in the minority report of Mr. Anderson, they are led to suppose that that report has resulted from estimates based upon data taken without sufficient reflection, by the honorable Senator that made it, and not from motives improper or dishonorable.

“Respectfully submitted.

“W. L. UNDERWOOD, *Ch'n.*

“JAS. M. RICE,

“W. E. MUNFORD,

“JOHN EAKER,

“JOHN W. RUSSELL.”

The two following acts were passed by the Legislature during the session of 1849-50:

“WHEREAS, By the 28th section of an act, entitled ‘An act to amend the penal laws of this Commonwealth,’ approved February 10, 1798, all the male convicts confined in the penitentiary of this State are required to ‘have their heads and beards closely shaven at least once every week;’

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and whereas, a portion of the requisition of said section of said act is deemed entirely unnecessary, is promotive of no good object, but is calculated to endanger the health of the convicts, and superinduces an exhibition of barbarity inconsistent with the spirit of the present age. Therefore,

“*Be it enacted, &c.*, That the 28th section of the above recited act, so far as the same requires the ‘heads’ of the convicts to be ‘closely shaven at least once a week,’ be, and the same is hereby, repealed; and from and after the passage of this act it shall not be lawful for the keeper, or any officer of the penitentiary, either by himself or his direction, to have ‘closely shaven,’ at any time whatever, the head of any convict in said penitentiary, unless said process of closely shaving the head be directed and prescribed by the attendant physician of said penitentiary, in cases where he may consider the same necessary for the promotion of the health of any such convict.”—(Approved February 10, 1851.)

“§ 1. That the keeper of the penitentiary is hereby authorized and directed to furnish to the convicts in the penitentiary, at the expense of that institution, a sufficient amount of clothing of such materials as has heretofore been given to them, so that they shall each have at all times, in the winter, two pairs of pantaloons, two shirts, one vest, two roundabout coats, one wool hat or cap, one pair of shoes, and two pairs of socks; and in the summer, two pairs of pantaloons, two shirts, one hat, one pair of shoes, and one roundabout coat; and said keeper is hereby directed to have a part of said clothes washed every week, and to require said convicts to put on at least a clean shirt, pantaloons, and socks, every Sunday morning.

“§ 2. That said keeper be, and he is hereby, directed to have the cells and bed-clothing of said convicts well washed once every month, and oftener, if he should be so directed by the board of visitors, who have been or may hereafter be appointed by law; and also to furnish five additional stoves, and place the same around the building containing the cells, that they may be dried and made more comfortable in winter.

“§ 3. That it shall be the duty of the board of visitors aforesaid to see that this act is carried into effect, and report the same to the next General Assembly.”—(Approved March 20, 1851.)

NEWTON CRAIG'S FOURTH ANNUAL REPORT.

“*To the Honorable, the General Assembly of the Commonwealth of Kentucky:*

“As agent and keeper of the Kentucky State prison, in obedience to law I hereby submit the following report:

“After a very trying season I am gratified in being able to report the prisoners generally in good health, and our business operations, which for a long time were greatly retarded, have again assumed a business-like appearance.

“In the months of July, August, and September, we were sorely afflicted with sickness. Diseases of the most malignant and fatal character were

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rife in the prison, causing more deaths among the inmates than the aggregate mortality of the ten years which have preceded this. The physician's report, which will accompany this, will show the number of cases treated, and their result. During the greatest prevalence of disease there was scarcely a well man in the prison. For six or seven weeks we had barely a sufficient number on their feet to wait upon the sick, and to bury the dead. During this great affliction, every thing within my power was done to mitigate the sufferings of the prisoners, and to stay the progress of disease. To have permitted the sick to remain in the hospital—a small, unwholesome, badly ventilated room, crowded together as they must have been—would have greatly increased the number of deaths. I, therefore, had them removed to our chapel, and employed additional guards to watch over them. I also employed an additional physician, (Dr. Mills,) to whom, and to our regular physician, (Dr. Sneed,) much is due for their prompt, faithful, and unwearied attention to the sick. In the midst of scenes truly heart-rending, and of many days' continuance, I saw no disposition manifested, on their part, to yield an inch to the dreadful diseases with which they were battling. During the greatest prevalence of the cholera, I remained much of my time with the sick, until I was attacked myself, and compelled to lay up. The officers and guards, with a few exceptions, stood by me and discharged their duties faithfully and nobly, during the whole of this gloomy period—shrinking from no duty that their positions required, and indefatigable in their efforts to do every thing which tended to mitigate the sufferings of the dying prisoners. During this time, of course, labor of every kind was suspended, while the expenses of the prison were greatly increased; and, for weeks after the scourge left us, such was the enfeebled condition of the men, from the nature of their sickness, and the powerful medicines administered, that they were able to do but little; and not many weeks have elapsed since we got fairly under way again, and enabled to do full tasks.

“The profits of the prison, for the year ending 1st March, 1850, as settled with the commissioners of the sinking fund, amounted to seven thousand six hundred and fifty-nine dollars and eighty-eight cents—(\$7,659 88.) We have not received from our commission merchants full returns of sales made by them of our consignments since the 1st of March; and as the resources of the prison depend materially upon the proceeds of these sales, we are unable at this time to estimate, with any degree of accuracy, our profits for the fraction of the year which has elapsed since that settlement. Yet, in consequence of the unusual amount of sickness with which we have been visited during the summer, the immense loss of time occasioned thereby, and the difficulties and greatly increased expenses attendant upon it, our profits thus far have necessarily been small. We hope, however, by industry, energy, and close economy,

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to overcome our misfortunes and difficulties of the summer so far as to make the profits of the present fiscal year, by the time it shall close, near about the same in amount as was realized last year.

“The business operations of the prison have not been changed materially, in any department. We are making preparations, however, to carry on the coopering business extensively by machinery, and would have had it in full operation at this time, but for the sickness which occurred.

“I feel it to be my duty to call your attention to two highly important defects in the arrangement of the prison buildings. The prison hospital is wholly unsuited to the purpose for which it was designed—low, damp, and illy ventilated, it is calculated to aggravate disease and to increase the mortality of the prison. Medical skill must prove ineffectual in such a place. Our experience this summer has proven this most conclusively. It is too small for the uses of the prison, objectionable every way, and common humanity urges, in the strongest terms, that a more suitable building should be provided for the accommodation of the sick prisoner.

“The cells of the prison were never completed, and recent experience proves that they are unsafe. The two escapes which we report this year were effected through the insecurity occasioned by the unfinished state of this building. I reported this fact to the board of commissioners of the sinking fund so soon as it was discovered. They appointed three commissioners to examine the building, who reported back to the board that ‘they had made a thorough examination of the cells in the Kentucky prison, and found them wholly insecure, and entirely inadequate to the safe-keeping of the inmates.’

“It became necessary, after the prisoners had discovered the weakness of this building, through the escape of two of their number, that two extra guards should be constantly employed to guard the top of the cells through the night. These, with the advice and consent of his Excellency, the Governor, have been employed since March last, at an aggregate expense of six hundred and seventy-two dollars per annum, which the safety of the prison will require shall be continued until this building shall be made secure. These matters—the necessity of the erection of a new hospital, in consequence of the wretched condition of the present one, and the insecurity of the cells—I will point out and explain more fully to your honorable committees.

“In regard to the discipline of the prison, I am happy to renew the opinion heretofore expressed in my reports, that mild and persuasive treatment is the best and most effective incentive to a proper subordination. Such has been my success in pursuing this course, that I have rarely now to resort to punishment to enforce obedience.

“The moral and religious instruction of the prisoners has ever been with me a sacred duty, which I have endeavored to discharge to the best of my

1844 to 1855—Newton Craig, Keeper.

ability. We have preaching every Sabbath, the different ministers of our town performing this service alternately. We have now, also, a very interesting little library of religious and historical works, to which the prisoners have free access.

The following tables show the number of prisoners received and discharged since my last report; the number of pardons, deaths, &c., together with such other statistics of the prison as are supposed to be interesting to the Legislature:

Number of prisoners in confinement on the 1st day of December, 1849, as per report of last year	141
Received into the prison from the 1st day of December, 1849, to the 20th day of October, 1850	71
Making	212
The number discharged during the same time is as follows:	
By expiration of sentence	12
By pardon of Governor Crittenden	13
By pardon of Governor Helm	3
By death	23
By escaping	2
Making	53
Leaving in confinement on the 20th day of October, 1850	159
Of these, there are—	
White males	144
Colored males	14
Colored females	1
Total	159

CRIMES.

Larceny	59
Horse stealing	31
Burglary	17
Manslaughter	16
Assisting slaves to run away	8
Highway robbery	6
Passing counterfeit money	6
Making counterfeit money	4
Rape	3
Arson	2
Bigamy	1
Perjury	1
Sheep stealing	1
Hog stealing	1
Mail robbery	1
Shooting with intent to kill	1
Stealing slaves	1
Total	159

TERM OF SENTENCE.

For 4 years	31
For 3 years	26
For 1 year	20
For 2 years	16
For 10 years	16
For 6 years	12
For 5 years	12
Amount carried forward	133

1844 to 1855—Newton Craig, Keeper.

Amount brought forward	133
For 7 years	9
For 8 years	3
For 40 years	2
For 9 years	1
For 2 years and 6 months	2
For 15 years	1
For 12 years	1
For 4 years and 9 months	1
For 20 years	1
For 1 year and 1 day	1
For 3 years and 3 months	1
For 4 years and 6 months	1
For 1 year and 6 months	1
For 6 years and 6 months	1
Total	159

NATIVITY.

Kentucky	53
Virginia	17
Pennsylvania	15
Ireland	14
Ohio	11
Tennessee	7
North Carolina	6
Indiana	6
New York	5
Scotland	3
Germany	3
South Carolina	2
England	2
Alabama	2
France	2
Vermont	2
Maryland	2
District of Columbia	1
Maine	1
Louisiana	1
Missouri	1
Georgia	1
Massachusetts	1
Prussia	1
Total	159

EDUCATION.

Superior, or those who have a classical or scientific education	1
Good, or those who have received a general English education	14
Common, or those who can read, write, and cypher	42
Poor, or those who can only spell and read	62
None, or those entirely destitute of education	40
Total	159

AGES.

From 15 to 20 years	16
From 20 to 30 years	77
From 30 to 40 years	41
From 40 to 50 years	14
From 50 to 60 years	9
From 60 to 70 years	2
Total	159

1844 to 1855—Newton Craig, Keeper.

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1844 to 1855—Newton Craig, Keeper.

Amount brought forward	133
For 7 years	9
For 8 years	3
For 40 years	2
For 9 years	1
For 2 years and 6 months	2
For 15 years	1
For 12 years	1
For 4 years and 9 months	1
For 20 years	1
For 1 year and 1 day	1
For 3 years and 3 months	1
For 4 years and 6 months	1
For 1 year and 6 months	1
For 6 years and 6 months	1
Total	<u>159</u>

NATIVITY.

Kentucky	53
Virginia	17
Pennsylvania	15
Ireland	14
Ohio	11
Tennessee	7
North Carolina	6
Indiana	6
New York	5
Scotland	3
Germany	3
South Carolina	2
England	2
Alabama	2
France	2
Vermont	2
Maryland	2
District of Columbia	1
Maine	1
Louisiana	1
Missouri	1
Georgia	1
Massachusetts	1
Prussia	1
Total	<u>159</u>

EDUCATION.

Superior, or those who have a classical or scientific education	1
Good, or those who have received a general English education	14
Common, or those who can read, write, and cypher	42
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From 40 to 50 years	14
From 50 to 60 years	9
From 60 to 70 years	2
Total	<u>159</u>

1844 to 1855—Newton Craig, Keeper.

PREVIOUS HABITS.	
Habitually intemperate.....	32
Occasionally intemperate.....	68
Temperate.....	59
Total	159

SOCIAL RELATIONS.	
Single.....	86
Married	52
Widowers	15
Separated.....	6
Total	159

“Should you desire any further information in regard to the prison, it will be promptly furnished. Frequent personal visits of the members of your honorable body, during the session, will be highly gratifying to the keeper, who would take a pleasure in pointing out more fully than he is enabled to do in a written communication, the condition and management of the institution under his charge.

“Respectfully submitted,

N. CRAIG,
“Agent and Keeper Kentucky Penitentiary.”

PHYSICIAN'S REPORT.

“The present year has been one of unusual severity, so far as it relates to disease. Until about the first of June, the inmates enjoyed unusual good health—no disease of violence making its appearance up to that time. Two chronic cases—one of cancer of the face, the other paralysis—proved fatal in the early part of the year. The first was a very old white man, and the other an infirm old negro.

“Early in the month of June disease of the bowels became very common, and the cases increased in number and violence through the whole month. In the early part of July they assumed a decided epidemic character, and on the 18th, a well marked case of spasmodic cholera occurred. On the 21st the disease, with all its horrors, fell upon the inmates of the institution. At this time the keeper was absent, having left a few days previous, on a visit to New York, on business relating to the institution. He had proceeded only as far as Cincinnati, when he was informed of the condition of things at home. Previous to his departure, he had authorized me to procure medical aid, and to do everything that might be required to render the sick comfortable. On learning the painful news at home, he immediately returned, and remained at his post during the prevalence of the epidemic, doing all that humanity required, or that skill could devise, to alleviate the sufferings of the unfortunate inmates.

“I had, with the assistance of the officers of the institution, converted the large chapel into a hospital, where the sick were placed, and every arrangement made that could in any wise add to their comfort and convenience. I had procured the services of my talented young friend, Dr.

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J. M. Mills, who rendered me very valuable and important aid in the treatment of the sick. From the 21st July to about the 20th of August the epidemic continued to prevail, during which time nearly every inmate was more or less under its influence. The following tabular statement exhibits the number of sick during the year, with the character of the diseases under which they labored, and also the number of deaths that occurred:

Diseases.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Total.	Deaths.
Ague and fever.....	2								2	1			5	
Abscess.....	1				1					1			3	
Bilious fever.....		2			2		7			3			14	
Cholera.....							13	7					20	14
Cancer.....	1												1	1
Catarrh.....	4	6	11	4	5	3							33	
Dropsy.....	1				1				1				3	
Diarrhea.....	3	2		2	2	14	78	56	9	2			168	
Disease of heart.....			1						1				2	
Disease of spine.....					1								1	1
Dyspepsia.....					6	9	4	5	9	6			39	
Epilepsy.....	1												1	
Flux.....							22	22	8	1			53	3
Gastritis.....		3	4	2		7							16	
Hepatitis.....		1	4		1	3				1			10	
Hydrocele.....				1	1								2	
Insanity.....									1				1	
Intermittent fever.....			1		1		2	5	3				12	
Neuralgia.....						1				1			2	
Opthalmia.....	1	1	1		2	1			1				7	
Paralysis.....	1												1	1
Pleurisy.....			1	1									2	
Phthisis pulmonal.....		1		1						1			3	3
Rheumatism.....		2	3	1	2	3	3	6	2	6			28	
Venereal.....	1	1	1			3				2			8	
													460	23

"The cases of diarrhea had to be met with all the promptness and energy that cholera required, to prevent a rapid approach to that disease. By timely attention to this condition, which was almost a constant premonitory symptom of cholera, many lives were saved. The great difficulty was, in impressing upon the inmates the importance of attending to this symptom, and reporting themselves sufficiently early, for medical aid. Many would go to their cells at night with slight diarrhea, and be found before morning in the collapsed stage of cholera, while others would be seized in the night with the same symptoms, and suffer themselves to run into the disease before calling for aid. In this way several perished who might have been saved, if they had made their condition known in time. Two evidently died from fright, as they were not sufficiently diseased to die, if it had not been for this condition of their minds. Two others, I

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have every reason to believe, died through the villainous conduct of the attending nurse, who maliciously failed to carry out my prescriptions.

"The prevalence of the epidemic caused a suspension of the business of the institution for near two months, the number of sick being so great as to require nearly every well man to act either as nurse or attend to the ordinary affairs of the institution.

"The keeper and his assistants were constantly at their posts, and promptly and cheerfully rendered me every desired aid. To the clerk, Mr. C. S. Waller, I feel under peculiar obligations, for his promptness in procuring bedding, medicines, nurses, provisions; and, in fact, doing all that was in his power to aid me in the discharge of my duties. He remained at his post, night and day, and was ready at all times to sacrifice his personal comfort for the good of the sick.

"The institution is now healthy, the inmates, with the exception of a few chronic cases, being entirely free from disease.

"W. C. SNEED, M. D.,
"Physician Kentucky Penitentiary."

NEWTON CRAIG'S FIFTH ANNUAL REPORT.

"To the Honorable the General Assembly of the Commonwealth of Kentucky:

"The time appointed by law having arrived when it is made my duty again to report to your honorable body the general condition, business, operations, &c., of the State penitentiary, I herewith transmit the same.

"I am gratified in being able to present the institution in a more prosperous and healthy condition than at any former meeting of your honorable body.

"During the past year we have had, comparatively, but little sickness—'tis true that at times there has been many temporarily complaining, and many committed to the hospital, but there has been but few serious cases, and but one fatal one.

"During the last session of your honorable body, your attention was called to the unsafe condition of the cell departments of the prison. The Committee on the Penitentiary, however, came to the conclusion that the commissioners of the sinking fund were fully authorized to order all and every improvement that was necessary, and accordingly referred the matter to them. The commissioners of the sinking fund appointed commissioners, at my suggestion, to inspect the cells, &c., and report their condition, the best manner of repairing them, and also an estimate of the probable cost of the same.

"The commissioners, appointed by the commissioners of the sinking fund, examined into the condition of the cells, &c., and made a report, but as it was not altogether satisfactory as to the plan of improvement, a second set of commissioners were appointed, who could never, as yet, be induced to act, and the cells remain, as yet, in an unsafe condition, to

1844 to 1855—Newton Craig, Keeper.

which the attention of the committee of the Legislature will again be called.

"Some two months since a most daring attempt was made by two of the convicts to assassinate one of the guard, while in the faithful discharge of his duty; having previously prepared themselves, and having provided deadly and murderous weapons, they succeeded in knocking down the guard—struck him several times after he had fallen, and then attempted to cut his throat. Such an outrage I, at the time, felt no doubt had been provided against by law, and such seemed to be the opinion, also, of some of our best informed legal gentlemen, and that the law provided such an offense, committed by a convict, was punishable with death; but upon strict examination, it was decided that there was no such law; but that the doubly guilty criminal was only liable as any other citizen who was not in confinement.

"I respectfully ask that a special law be passed by your honorable body, making a like offense punishable with death. Such is the penalty for setting fire to the prison by a convict, with the intent to burn the same—it is death under the law—and I cannot but see that the lives of the officers and guard are at least as sacred as the property of the prison, and calls equally as loud, at least, for the protection of law.

"It is made my duty, by law, to prosecute every convict who may violate any statute of this Commonwealth, by breaking from the prison or otherwise; and I think I have just cause to complain of a want of proper vigilance and promptness on the part of some of the officers of the Commonwealth. Many cases have been postponed where a prosecution was pending, from court to court, until the witnesses for the Commonwealth have left the country—some for California, some for Texas, and elsewhere; and when the cases came up, no conviction could be had because the witnesses had left the country, thereby rendering it entirely impossible for me to comply with the requirements of law upon my part. I, therefore, respectfully ask of your honorable body to pass some law to aid me in a prompt prosecution in all such cases; and I am constrained to say, that such aid I much need to fully enable me to enforce a proper discipline within your State prison walls.

"It will be remembered, that in some of my former reports I called the attention of the Legislature to the fact that the law made it my duty to have the heads of the male convicts closely shaven at least once a week. I then gave it as my opinion, from experience, that it was entirely useless, to say the least of it, and cruel in the extreme, as a general thing.

"I suggested, at the time, that a discretion ought to be given the keeper, except when the prisoner first enters the institution, at which time, if it were done, it very much facilitated the enforcing of a proper discipline. This rule was tried for the space of one year, and it worked well; indeed it had an effect that very far exceeded my most sanguine expectation.

1844 to 1855—Newton Craig, Keeper.

"But, at the last session of the Legislature, a law was passed forbidding the heads of the convicts to be shaved at all—not only when they first enter the institution, but taking away the power from the keeper to have it done, even as a punishment for the very worst offenses. The consequences have been very fatal to the best interests of the prison. In the first place, I have found the prisoner much harder to subdue than when the practice of shaving was in force; and, secondly, I have found that the greatest security against their breaking away has been laid aside; and, thirdly, that they are much harder to detect when they once make their escape from the prison—for while we were operating under the old system, but few escaped who were not caught and brought back, while those who have escaped under the present discipline have not been caught in the first instance.

"I sincerely hope that your honorable body will repeal that part of the law passed last winter, and place matters as they were in regard to shaving the head, which, in my humble judgment, was precisely the provision which the necessities of this institution demand.

"I have so often, in my former reports, and in conversation with members of the Legislature, complained of the miserable construction of our hospital, that I am at a loss to know what further to say. Indeed I have wondered at the success of our physician, Dr. W. C. Sneed, to whom I feel to be under many obligations for his prompt attention in every case. His success must be attributable more to his superior skill, or extreme good fortune, than to the means afforded him in the way of a suitable hospital. I earnestly hope that your honorable body will look into the condition of our hospital and authorize something to be done.

"To the officers and guard, generally, I feel to be thankful for their prompt attention in all cases. There has not happened amongst them a single circumstance that would justify a suspicion that any one of them had been wanting in fidelity; but all have manifested that they had the welfare of the institution at heart.

"In regard to our financial condition, please see that part of our report as made out by our very worthy and efficient clerk, C. S. Waller, in whom, as a clerk, book-keeper, a persevering, industrious, energetic gentleman, I have every confidence.

"The law under which I became keeper of the penitentiary requires that I shall make annual settlements with the commissioners of the sinking fund, on the first day of March in each year.

"You will see from the estimates furnished by the clerk of the prison, that at my last annual settlement, 1st March, 1851, the profits of the prison for the preceding year ending that day, amounted to \$8,865 20, and that the probable profits of the first six months of the present fiscal year, commencing on the 1st of March, and ending 1st September, 1851, are estimated at \$5,247 89, from which it is reasonable to infer, should the labor

1844 to 1855—Newton Craig, Keeper.

of the prison for the last half of the year, which will expire on the 1st day of March, 1852, be as productive as the first half, that there will be a very considerable increase of profits upon the business of this year over that of the last.

“Our business operations have undergone but little change since our last report. It has been our aim, however, to increase those branches most likely to yield the greatest profit—which we have done in the manufacturing of bagging, coopering, and chair-making, which are the most profitable branches with us. We have done but little in the stone-cutting business, which has become unprofitable on account of the great competition throughout the land; nor are we doing much in the shoemaking branch—eastern competition renders that branch also unprofitable.

“I may have passed, unnoticed, some other matters connected with the management of the prison, about which some of the individual members of your honorable body might feel some interest or anxiety. Should this be the case, you will please make it known, and the information desired shall be promptly furnished if found in my reach. Any information which may be furnished upon your part, having for its object the furtherance of the interests of the institution, will be most thankfully received.

The members of both branches of the Legislature, and their visiting friends, are most cordially invited to visit us as often as their engagements may allow. Every officer and guard, at the prison, will take pleasure in contributing to make your personal visits as agreeable as possible; and should any one connected with the prison, or about it, manifest a want of courtesy, or disposition not to give any required information or attention to any point, or in any way, during your visits to the prison, the keeper will be under obligations to any one who will make it known to him.

“All of which is most respectfully submitted.

“N. CRAIG,

“*Agent and Keeper of Kentucky Penitentiary.*”

CLERK'S REPORT.

“OFFICE KENTUCKY PENITENTIARY, }
“*Frankfort, November 1, 1851.* }

“SIR: Herewith you have statements A, B, and C, containing the usual estimates and statistics of the prison, furnished preparatory to the annual report of the keeper to the Legislature.

“Respectfully,

“CHARLES S. WALLER, *Clerk Penitentiary.*

“N. CRAIG, Esq., Agent and Keeper Kentucky Penitentiary.”

1844 to 1855—Newton Craig, Keeper.

(A.)

A Statement showing the resources and liabilities of the Kentucky Penitentiary at the last annual settlement of the Keeper with the Commissioners of the Sinking Fund, to-wit, 1st of March, 1851:

RESOURCES.	
Accounts and notes due the penitentiary this day, as per balance sheet.....	\$17,651 89
Account against the Commonwealth, as rendered in detail	6,017 58
Bagging and rope in hands of commission merchants, on consignment, as follows:	
157,000 yards of bagging, estimated to bring 11 cents per yard..	\$17,270 00
22,237 lbs. bale rope, estimated to bring 5 cents per lb.....	1,111 85
	<u>18,381 85</u>
Stock on hand: Value of raw materials and manufactured articles in the prison, as per estimate and inventory of keeper	23,868 00
Total resources.....	<u>\$65,919 32</u>
LIABILITIES.	
To N. Craig, balance to his credit on account, for amounts advanced and assumed for prison, &c.	\$35,003 87
To bills payable: Notes given for materials, &c., purchased on time, by written permission of the Governor	4,240 18
To sundry persons, for materials, &c., furnished prison, as per accounts.....	7,956 03
To the officers and guards of the prison, for salaries due and undrawn	2,455 99
To commission merchants, for advances on consignments of bagging and rope.....	7,398 05
	<u>57,054 12</u>
Leaving a balance of profits of the institution, for the year ending March 1st, 1851	<u>\$8,865 20</u>

(B.)

A Statement showing the resources and liabilities of the Kentucky Penitentiary on the 1st day of September, 1851, viz:

RESOURCES.	
Accounts and notes due the prison, as per balance sheet	\$14,218 94
Commonwealth: Balance to debit of account this day.....	979 91
Bagging and rope in hands of commission merchants, on consignment, as follows:	
32,000 yards of bagging, estimated to net 12½ cents per yard....	\$4,000 00
3,172 lbs. of bale rope, estimated to net 5½ cents per lb.....	174 46
	<u>4,174 46</u>
Ninety tons of hemp in prison, at \$100 per ton	9,000 00
Stock on hand: Raw materials and manufactured articles, as estimated by the keeper	19,500 00
Total resources	<u>\$47,672 61</u>
LIABILITIES.	
To N. Craig, balance to credit of account, for amount advanced and assumed for prison, &c.....	\$20,946 19
Bills payable: Notes given for materials, &c., purchased on time, by written permission of the Governor.....	6,942 20
To sundry persons, for accounts against prison, not rendered, estimated at	6,787 74
To the officers and guards of the prison, for salaries due and undrawn	2,983 46
To commission merchants, for advances on consignments of bagging and rope.....	4,965 13
	<u>42,624 72</u>
Leaving the probable profits of the prison for six months, from the 1st day of March, 1851, to the 1st day of September, 1851.....	<u>\$5,247 89</u>

1844 to 1855—Newton Craig, Keeper.

(C.)

The following tables are given to show the number of prisoners received and discharged during the past year; the present number of inmates, their crimes, sentences, nativity, education, ages, previous habits, social relations, &c., viz.:

Number of prisoners in confinement on the 20th day of October, 1850, as per report of last year 159
 Received into the prison from the 20th day of October, 1850, to the 20th day of October, 1851 96

Making 255

The number discharged during the same time is as follows:

By expiration of sentence 39
 By pardon of Governor Helm 42
 By pardon of Governor Powell 2
 Escapes 5
 Deaths 1

Making 89

Leaving in confinement on the 20th day of October, 1851 166

Of the foregoing number, there are:

White males 148
 Colored males 18

Total 166

CRIMES.

Larceny 61
 Horse stealing 28
 Burglary 21
 Manslaughter 12
 Arson 9
 Enticing and assisting slaves to run away 8
 Passing counterfeit money 7
 Highway robbery 6
 Intent to kill 4
 Bigamy 2
 Mail robbery 2
 Rape 2
 Perjury 1
 Making counterfeit money 1
 Forgery 1
 For having stolen property in possession 1

Total 166

TERM OF SENTENCE.

For 4 years 31
 For 2 years 27
 For 3 years 22
 For 1 year 19
 For 5 years 16
 For 10 years 14
 For 6 years 10
 For 7 years 6
 For 8 years 4
 For 1 year and 6 months 4
 For 3 years and 6 months 2
 For 4 years 2
 For 9 years 1
 For 15 years 1
 For 20 years 1

Amount carried forward 160

1844 to 1855—Newton Craig, Keeper.

Amount brought forward	160
For 6 years and 6 months	1
For 2 years and 1 day	1
For 2 years and 6 months	1
For 1 year and 8 months	1
For 1 year and 1 day	1
For 6 months	1
Total	166

NATIVITY.

Kentucky	49
Ohio	16
Ireland	16
Virginia	14
Pennsylvania	12
Tennessee	11
Germany	11
New York	9
Indiana	5
North Carolina	4
South Carolina	3
England	3
Alabama	2
Vermont	2
Missouri	1
Louisiana	1
Maryland	1
Maine	1
District Columbia	1
Prussia	1
Canada	1
Scotland	1
St. Helena	1
Total	166

EDUCATION.

Superior, or those who have a classical or scientific education	0
Good, or those who have had the benefit of a general English education	9
Common, or those who can read, write, and cypher	41
Poor, or those who can only spell and read	68
None, or those who are entirely destitute of education	48
Total	166

AGES.

From 15 to 20 years	15
From 20 to 30 years	90
From 30 to 40 years	44
From 40 to 50 years	11
From 50 to 60 years	4
From 60 to 70 years	2
Total	166

PREVIOUS HABITS.

Habitually intemperate	40
Occasionally intemperate	56
Temperate	70
Total	166

1844 to 1855—Newton Craig, Keeper.

SOCIAL CONDITION.

Single.....	98
Married.....	58
Widowers.....	8
Separated.....	2
Total.....	166

CHAS. S. WALLER, *Clerk Ky. Penit'y.*

OFFICE KENTUCKY PENITENTIARY, November 1, 1851.

PHYSICIAN'S REPORT.

"In presenting my seventh annual report, it gives me pleasure to state that the inmates of the institution have escaped any epidemic visitation, and have enjoyed comparative good health during the year just ended. The number of admissions into the hospital have been nearly as many as during several years preceding, except the last, but the character of the diseases have been milder, and yielded more readily to treatment. No death occurred during the year from any acute disease, and but one from chronic. An old man died a few weeks since of consumption, and there are several others now in the hospital, laboring under the same disease, who may not survive through the winter. I have omitted, in this report, a table exhibiting the particular diseases that have occurred, and subjoin the following, which merely gives the admissions during each month, viz:

November.....	46
December.....	31
January.....	29
February.....	31
March.....	40
April.....	62
May.....	75
June.....	58
July.....	48
August.....	34
September.....	34
October.....	21
Total.....	509

"It is proper to state that many of those admitted into the hospital required only a prescription, and were not prevented from attending to their duties for more than a few hours. Others, again, were confined to the hospital for a single day, while an average of probably one third had diseases which required prompt and active treatment for many days in succession. The most prevalent disease was dysentery, but it did not assume an epidemic form, and very readily yielded to the ordinary treatment.

"Nothing aids the physician more, or adds so much to the comfort of the sick, as a good airy room, with every thing clean and comfortable around him. Fresh air, good nursing, with proper food, in well ventilated apartments, are the greatest auxiliaries in the successful treatment of disease. Without these, or a portion of them, the skill of the physician

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and his medicines avail but little in arresting disease, and the sick man who recovers with such disadvantages around him, may thank the powers of nature more than art for his escape from death. For seven years I have had to treat disease in a room so constructed as to render it unfit for hospital purposes, and not at all susceptible of improvement. The keeper has repeatedly appealed to the Legislature on the subject, but has never been authorized to make any improvement.

"There is a great disposition on the part of many inmates to feign sickness, with the view of changing occupations or shunning labor. In all such cases I have been inclined to lean to the side of mercy, and in doing so have been frequently imposed upon. I have, however, felt that it was better to be thus deceived occasionally than cause unnecessary suffering to the really afflicted man.

"There are but few men in the prison, unable from disease, to perform manual labor, and only two who are defective in intellect. There is an old man in confinement who is evidently laboring under mental derangement, who is a much more fit subject for the lunatic asylum than for the walls of a prison.

"I have received from the keeper and his assistants every aid that I required, for which I desire to return my sincere thanks.

"W C. SNEED, M. D.,
"Physician of Kentucky Penitentiary."

LEGISLATIVE PROCEEDINGS, 1851-2.

November 15, 1851. "Mr. Webster read and laid on the table the following resolution, to-wit:

"WHEREAS, the keeper of the penitentiary, in his report to the present General Assembly, asks to have the privilege restored to him of shaving the head of each convict under his charge, contending that this feature (heretofore prominent in the discipline of the prison) is indispensably necessary to enforce a proper subordination, and as an effectual preventive to escapes; and whereas, it is evident that some prominent, inerascable, and undisguisable marks should be kept upon them, so as readily to distinguish them from the good citizens of this Commonwealth, in case of escape, and as the old system of shaving the head is objected to by some as being injurious to health, for remedy whereof, as an efficient substitute and an appropriate sign to be borne by them—

"Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the keeper of the penitentiary shall procure a suitable chemical dye, such as will stain the cuticle or outer surface of the skin permanently black, so that it cannot be washed off, or in any way removed, until time shall wear it away, and nature furnish a new cuticle or surface; and that with this dye, he shall have the nose of each male convict painted *thoroughly black*, and renew the application as often as may be necessary to

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keep it so, until within one month of the expiration of his sentence, when it shall be discontinued for the purpose of permitting nature to restore the feature to its original hue, preparatory to the second advent of its owner into the world." (No further notice taken of it.)

"Mr. B. F. Hume, from the Committee on the Penitentiary, made the following report, viz :

"The Committee on the Penitentiary, to whom was referred the resolution 'that they be requested forthwith to visit the penitentiary, and examine into the condition of the convicts, whether they have clothing to protect them from the inclemency of the weather, and whether they are accommodated with good and sufficient bed clothing,' report: That they visited the penitentiary on yesterday evening, and examined the condition of the cells, and found that there was a sufficiency of bed clothing on the beds in them. They conversed with some of the convicts, and inquired of them whether they had enough of garments and bedding to protect them from the rigor of the weather, and their answers were, that there was a sufficiency of both, and they were entirely comfortable.

"B. F. HUME,

"E. DUNCAN,

"THO. R. GIVENS,

"J. C. WILMORE."

January 5, 1852. "Mr. N. Green, from the Committee on the Penitentiary, made the following report, viz :

"The joint Committee on the Penitentiary respectfully report, that they have, both in committee and each individually, visited, from time to time, the State prison, and inquired and inspected into its condition, and the general treatment of its convicts, and management of its concerns; and submit the result of their investigations, as follows:

"Your committee fully concur with the report of the keeper of the penitentiary to the present General Assembly, that the cells are in an unsafe condition, for want of a more secure and impregnable covering over the upper tier of cells, which have now nothing but a light brick arch over each cell, between the lodgment of the convicts and the attic story of the building, from which story an opening through an ordinary shingle roof, and a descent therefrom of some twenty feet, would let the prisoner into the freedom of the world without the walls of the prison. The committee find that the commissioners of the sinking fund are fully authorized, by law, to direct any necessary improvements, and only regret that no improvement in the security of the cells has yet been made or contracted for. The committee also regard the cells as defective in a sanitary respect, for want of sufficient ventilation; and would respectfully suggest that the commissioners, already charged with necessary improvements, be also instructed to remedy this defect, which the committee are of opinion can

be easily done by making a grated opening at the heads between each two opposing cells.

"These improvements, both in the ventilation and security of the cells, the committee regard as of the most urgent importance. Until the former is made, the cells must continue damp, disagreeable in odor, and unhealthy to occupy; while, for want of the latter, the institution is now compelled to maintain an armed night guard, in a cold, disagreeable garret, to prevent the escape of the convicts.

"The attention of your committee was also called to the hospital, which, after full examination, they are decidedly of opinion, is unfit for the purpose to which it is appropriated. It has neither the capacity of size nor the necessary ventilation to preserve the health of the average number of persons doomed to its occupation, much less to afford them eligible quarters for recovery from serious illness. Your committee find no room about the institution of sufficient dimensions and adaptation to the abode of the sick, and have no hesitation in declaring it the duty of the State to erect a new and capacious hospital for the accommodation of the convicts.

"The committee, from all they could see and ascertain, are of opinion that the convicts are treated with proper humanity, and wholesome discipline. They believe the law of last session, designed more especially to provide for their comfortable clothing and lodgment, has been substantially complied with; and are persuaded that a due regard is paid to their personal cleanliness and decency of habits. Their food, too, the committee believe to be substantial, wholesome, and liberal in quantity. They also seem to preserve a proper decorum and observe becoming subordination, which your committee believe is maintained with a rigid though humane discipline by the keeper and his assistants and guards.

"Of the business operations of the institution, your committee did not make a detailed investigation, for the reason that its financial condition is fully reported by the clerk of the penitentiary, and the law now directs an annual settlement with the commissioners of the sinking fund, in whose competence to investigate its fiscal transactions, it is believed the General Assembly have implicit confidence. The committee would say, however, that they visited the various working departments of the prison, and found the whole characterized with order, industry, and energy.

"By the 16th section of an act, approved February 18, 1848, 'the First and Second Auditors, Treasurer, Register, and Attorney General are appointed a board of visitors, whose duty it shall be to visit the penitentiary as often as they may think proper, and at least *once in each month*, and make examination into the state of the institution, the health of the convicts, the manner of dieting them, the cleanliness of the cells, and the treatment of the convicts generally, and *make such report to the Legislature as the condition of the institution may require.*'

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"This regulation your committee regard as eminently wholesome, and highly essential to the security of proper humanity and discipline, and the safeguard of the State's interest in its business profits; and deeply regret to hear that it has been so illy complied with on the part of said board of visitors. They have not only made no 'report to the Legislature,' but the committee are informed by the keeper that they have not held a session at the penitentiary for a twelvemonth, some of them have never visited the institution at all, and others have only casually called and superficially inquired into its general concerns.

"On this board of visitors a vacancy occurs by the reduction of the number of Auditors to one; and the committee would suggest the addition of the Secretary of State to fill the vacancy, and recommend such action on the part of the General Assembly as will remind said board of the important interests committed to their charge, and the necessity of more vigilant attention to the duties assigned them.

"J. P. ORR, *Ch'n Senate Com.*

N. GREEN, *Ch'n H. R. Com.*

"J. J. THOMASSON,

ANDREW MONROE,

"W. W. HALEY,

B. F. HUME,

"REUBEN MUNDAY,

ELLIS DUNCAN,

"J. G. MCFARLAND.

J. C. WILLMORE,

"GARLAND HURT,

"THOS. R. GIVENS."

"Mr. N. Green, from the same committee, read and laid on the table the following resolutions, viz:

"*Resolved by the General Assembly of the Commonwealth of Kentucky, That the Secretary of State be, and is hereby, added to the board of visitors appointed by an act approved 18th February, 1848, to visit statedly and examine into the affairs of the penitentiary.*

"*Resolved, That the duties assigned the board of visitors by said act are important to the interests of the State in that institution, and devolve an essential and responsible labor upon the members of said board.*

"*Resolved, That the commissioners of the sinking fund be, and they are hereby directed, in the pursuance of the power already vested in them by law, to direct and contract for the necessary improvements for the ventilation and safety of the cells of the penitentiary, and for the erection of a new and suitable hospital in said institution.*"

At the session of 1851-2, the Legislature, under the new constitution of the State, passed a lengthy act re-enacting most of the old laws relating to the penitentiary:

ARTICLE I—*Concerning the Keeper.*

This article is the substance of the law of 1839, published at full length in this report, making no material alterations in that law.

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ARTICLE II—Concerning the Clerk.

This is also the same law of 1839 relating to the clerk and his duties; the only material alteration being the increase in his salary to \$1,000.

“ARTICLE III—Concerning Convicts.

“§ 1. Every person sentenced to confinement in the penitentiary of this Commonwealth, shall, as soon as practicable after the conviction, be removed by the proper officer, at the public expense, to the jail and penitentiary house, and be kept therein during the period for which he is sentenced.

“§ 2. The penitentiary house and cells therein, as now erected, and as may be hereafter enlarged or altered, shall be appropriated to the purpose of confining such persons as have or shall be sentenced to confinement therein. But the males and females shall be kept separate and apart from each other.

“§ 3. That the character of convicts may be known, it shall be the duty of the court in which each conviction takes place, to make out and transmit to the keeper a short account of the circumstances attending the crime committed by such convict, calculated to aggravate or extenuate the same—the character of the convict as proved on the trial, whether he had previously been convicted of or prosecuted of a felony, and what had been his general moral character.

“§ 4. To prevent the introduction of contagious disorders into the penitentiary, every person who is sentenced to hard labor therein shall be washed, cleansed, and lodged and kept separately, until it shall be certified by a physician that he is fit to be received among the other prisoners

“§ 5. Convicts shall, during their confinement, be clothed in coarse materials, uniform in make and color, so as to distinguish them from other citizens.

“1. They shall be well fed, on plain, coarse, and healthy diet.

“2. So far as their age, health, and sex will allow, they shall be kept at hard labor as many hours each day, (except Sundays,) as the season will permit, allowing a half hour's rest for each meal.

“3. But not exceeding eight hours in November, December, and January; nine hours in February and October, and ten hours the residue of the year.

“4. The heads of convicts may be shaved at the discretion of the keeper.

“5. Convicts shall be confined in solitary cells on Sundays, except at intervals of divine service, instruction, and meals.

“§ 6. No person, except the keeper and his deputies and servants, the Governor and members of the General Assembly, shall, without permission of the keeper, enter the walls of the penitentiary.

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“1. The doors of the lodging rooms and cells shall be locked, and all light therein extinguished, at nine o'clock every night.

“2. One or more watchmen, if necessary, shall patrol the jail each night at least one in every hour from dark until the period of commencing labor in the morning.

“§ 7. No person, except the Governor, or a visitor, shall converse with or mix among the convicts, except in the immediate presence of the keeper or an assistant, and with his consent. It shall be the duty of the keeper to prohibit any two or more of the convicts from conversing, sleeping, or in any manner associating together, except so far as the nature of their employments may require it.

“§ 8. On the trial of a convict confined in the penitentiary for a crime committed during the time for which he is convicted, the other convicts, (except such as have been convicted of perjury,) shall be competent witnesses.

“§ 9. The keeper shall establish rules and regulations for the government of the convicts, with the approval of the visitors, not inconsistent with law. In case of disobedience of any convict in performing his duty, or in case of a violation of such rules, the keeper may inflict, at his discretion, not exceeding ten stripes on the offender, or confine him in a cell not exceeding forty-eight hours, for each offense.

“§ 10. The infant children of a convict shall, for and during the time of confinement, be regarded as orphans, and may have guardians appointed by the county court, and may be bound apprentices; and the whole proceedings, both with regard to them and their estate, shall be such as is directed by the act concerning guardians, and masters and apprentices.

“1. A convict may dispose of his estate by last will and testament.

“2. On his discharge from confinement, so much of his estate as has not been legally disposed of shall revert to him.

“3. The period of his confinement in the penitentiary shall not be computed against a convict under any statute of limitation.

“4. When a convict is discharged from the penitentiary, the keeper shall furnish him with five dollars in money and comfortable clothing.

“§ 11. When any person sentenced to confinement in the penitentiary by a court of the State or of the United States, shall, at the time of such sentence, hold an office under this Commonwealth, such office shall be vacated from the time of his sentence.

“ARTICLE IV—*Concerning the health of convicts.*

“§ 1. The walls of the cells and apartments of the penitentiary house shall be whitewashed with lime and water twice every year. The floors of the cells shall be washed once every week, or oftener if necessary.

“§ 2. An infirmary shall be kept fitted up in the penitentiary, and when a convict is sick, on the recommendation of the physician employed for

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the institution, he shall be removed to such infirmary, and his name entered on a book to be kept for that purpose.

"1. The keeper shall employ a physician to attend on the convicts.

"2. When such physician shall report to the keeper that the convict is in a proper condition to quit the infirmary, and to return to his or her employment, the report shall be entered in the book, and the convict shall be again put to labor.

"3. Convicts may, at stated times, be permitted to work or to walk for their health in the yard of the penitentiary, but in either case in the presence or view of the keeper or his assistant.

"ARTICLE V—Concerning guards and assistant keepers.

"§ 1. The keeper shall employ not less than four suitable persons as guards, for the safe-keeping of the prisoners, and at least two suitable persons as assistant keepers.

"1. Appointments under this section must be approved by the Governor.

"2. Before an assistant keeper or guard enters on the duties of his station, he must take an oath that he will faithfully and honestly discharge the duties thereof.

"ARTICLE VI—Concerning the instruction of convicts.

"§ 1. The keeper of the penitentiary shall procure one sermon to be preached to the convicts, by a minister of the gospel, each Sunday.

"1. He shall, moreover, cause the convicts who have not learned reading, writing, and arithmetic, to be taught at least four hours every Sunday.

"2. The whole expense of such sermons and teaching shall not cost more than two hundred and fifty dollars per annum.

"3. The books belonging to the library in the penitentiary shall be given out to convicts and returned every week, so that they may be well taken care of.

"ARTICLE VII—Visitors, and their duties.

"§ 1. The Clerk of the Court of Appeals, Treasurer, and Register of the State, shall be a board of visitors for the penitentiary.

"1. They, or one of them, shall visit said institution at least once per month, and ascertain the health of the convicts, the manner of dieting them, the cleanliness of the cells, and the manner in which the convicts are treated; and

"2. They shall, biennially, report to the General Assembly concerning all these subjects, and, from time to time, report to the Governor any misconduct on the part of the keeper.

"ARTICLE VIII—Contracts.

"§ 1. It shall not be lawful for the keeper to purchase raw material,

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stock, or provisions, or any other article for the institution, on a credit, without the written consent of the Governor, filed with the clerk.

“1. All contracts made with the keeper of the penitentiary, or any of its officers, for and on behalf of the institution, whether for the payment of money or property to or by the institution, shall be payable at the office thereof.

“2. When anything is owing the institution, a demand may be made at another place.

“§ 2. The keeper of the penitentiary shall be bound to furnish capital to carry on the same, but the State shall loan him, in materials and manufactured articles on hand and money, ten thousand dollars, upon which he shall annually pay the interest to the commissioners of the sinking fund, until he returns the capital so furnished.

“§ 3. The State shall have two thirds of the net profits of the institution, and the keeper the other third; but the keeper shall guarantee an annual profit of five thousand dollars, clear of all expenses, interest, and losses.

“§ 4. The keeper shall keep in good repair the penitentiary, together with all buildings appurtenant thereto; also, all engines, machinery, tools, and utensils used therein, at the cost of the institution, and deliver them up in such repair at the end of his time, and for any default herein he shall be chargeable in the final settlement of his accounts.

“ARTICLE IX—*Miscellaneous provisions.*

“§ 1. Persons convicted in this State under the laws of the United States, may, when sentenced thereto, be confined in the penitentiary of this Commonwealth, and the keeper thereof is required to receive and receipt for such convict; and when so received, he shall be subject to the same rules and regulations as State convicts.

“1. But such convicts shall be received on the terms and conditions proposed by the joint resolutions of the Congress of the United States, approved 23d September, 1789.

“2. The keeper of the penitentiary may demand and receive from the proper authorities of the United States compensation, semi-annually, for keeping and supporting such prisoner.

“§ 2. Slaves received into the penitentiary by the keeper must, at all times, be kept separate and apart from the convicts, and be kept confined in the cells at night.

“§ 3. Any person who shall convey or cause to be conveyed into the penitentiary any instrument, tool, weapon, or other thing adapted to or useful to aid any convict in making his escape therefrom, with intent to facilitate such escape, and any person who, by any means, aids any convict in his endeavor to escape, whether such escape be effected or attempted, or not, and any person who shall forcibly or fraudulently rescue or

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attempt to rescue any convict held in custody under a conviction to imprisonment in the penitentiary, shall be punished by imprisonment therein not less than one nor more than ten years, and shall be fined the sum of five hundred dollars.

“§ 4. If the keeper, or any officer or other person in the penitentiary shall voluntarily suffer a convict confined therein to escape; or in any way consents to or aids in such escape, he shall be punished by imprisonment in the penitentiary for not less than one nor more than ten years.

“§ 5. No spirituous liquors shall be used or drank in the penitentiary under any pretext, except only such as may be prescribed by a physician.

“§ 6. Tobacco may be furnished to convicts in such quantities as the keeper may deem proper.”

All the articles and sections of this act are still in force, except such as are repealed by the act of 1855–6, leasing the institution to Mr. Ward, and the act of 1858–9, leasing the same to Col. South—which acts will be found in their proper places in this report. Allusion will be made to them at the close of this chapter.

NEWTON CRAIG'S SIXTH ANNUAL, AND LAST, REPORT.

“*To the Honorable, the General Assembly of the Commonwealth of Kentucky:*

“The time appointed by law has again arrived when it is made my duty to report to your honorable body the general condition, business operations, &c., of the Kentucky State penitentiary; and I take pleasure in saying that at no period since I have had charge of this institution has its general health been better, or its general condition more prosperous.

“During the past year we have had less sickness than any preceding year, and but few cases of a serious tendency. In the months of June, July, and August, as is common, we were threatened with sickness of various characters, but under the skillful and vigilant treatment of our excellent prison physician, Dr. William C. Sneed, aided by Dr. Hugh Rodman, to whom we are under many obligations for his kind and gratuitous attention, we have, by the mercy of God, been blessed and relieved, suffering no serious results. For further particulars in regard to the hospital, see prison physician's report, which is annexed to and made part of this.

“Of the officers and guards generally I have to say, and take pleasure in saying, that they have, with but little exception, discharged their duties well, and especially for Mr. Ephraim Whitesides, the first assistant keeper, and for Mr. Henry C. Adams, the second assistant keeper, I cannot say too much; I have found them vigilant, faithful, and honest, and for their excellent conduct and good examples I feel to be under many obligations.

“In regard to our financial condition please see that part of our report as made out by our clerk, Mr. S. I. M. Major, jr., who has labored incessantly night and day, for a long time, to arrive at a fair and complete result, the correctness of which I doubt not. I feel to be under many obli-

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gations to him for his manifest zeal, and great desire to arrive at a full and fair result, and I have every reason to believe he has accomplished that result.

“The law under which I became keeper requires that I shall make a full and final settlement with the commissioners of the sinking fund on the 1st of March in each year; this has been done promptly and fairly, and there is upon record in this office, and in the office of the Auditor of Public Accounts, those settlements in full detail. In looking over those settlements of accounts I find the following to be substantially true:

“The prison having been burned in August, 1844, the profits that year and the year 1845 fell short of the bonus guarantied to the State, and by an act of the Legislature all of the clear profits arising from the penitentiary during those two years were placed to the credit of the State, without leaving one cent for the benefit of the keeper to meet a large amount of interest paid on capital furnished by him, and to meet the current expenses of his family, &c.

In the settlement in March, 1847, the net profits were found to be	\$8,070 52
In the March settlement, one year thereafter, the net profits were found to be	9,032 36
The profits of the year ending 1849, were found to be	7,695 40
The profits of the year ending March, 1850, were found to be	7,659 88
The clear profits of the institution up to March, 1851, were found to be	8,865 20
The clear profits during the next year, ending March, 1852, were found to be	8,232 04
The clear profits during the next year, ending March, 1853, were found to be	9,688 75
In all for the last seven years	\$59,154 15
To which add the profits of 1844 and 1845, which the State gets, say	8,000 00
Which added to the above makes	<u>\$67,154 15</u>

“The keeper's share of which, during the past ten years, is \$19,718 05, by which it will be seen that the keeper's profits have been less than two thousand dollars a year, out of which his whole expenses of living, &c., has to be paid, and also the interest on a large amount of capital employed in furnishing and carrying on the institution, which amount of capital may be readily seen by referring to the credits at the settlements in the month of March in each year, as agreed to upon full investigation by the honorable commissioners of the sinking fund, which several credits are as follows, to-wit:

Advanced by keeper during the year 1844, and burned up in the fire of August, 1845	\$5,074 21
In the settlement of March, 1846, cash advanced by the keeper was	4,901 18
In the settlement of March, 1847, the keeper's cash advanced had increased to the sum of	7,369 38
In the settlement of March, 1848, the keeper's credits for cash advanced had increased to the sum of	16,641 98
In the settlement of March, 1849, the keeper's credits by cash advanced amounted to the sum of	23,332 78
In a settlement with the commissioners of the sinking fund in March, 1850, the keeper's advances amounted to	25,805 39
In a settlement with the commissioners of the sinking fund in March, 1851, the keeper's advances amounted to	35,003 87
In the settlement of March, 1852, his credits were reduced to the sum of	14,891 95
In the settlement of March, 1853, the keeper's credits were reduced to the sum of	11,617 55
And the books show, according to Mr. Major's calculations, the keeper's credits on the 1st day of December last to be	21,132 64

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"By virtue of a resolution passed by the Legislature in 1847-8, I think, the commissioners of the sinking fund made an allowance to the keeper of six per centum per annum on certain moneys advanced by the keeper for the purpose of rebuilding the institution, after the great fire of August, 1844; these advances were considered extra beyond the capital to be furnished by the keeper, he being bound by virtue of his contract to furnish the capital only necessary to carry on the business of the Penitentiary.

"Now, to arrive at something like a fair conclusion in regard to the keeper's profits during the last ten years, we have first to calculate the annual interest on the whole advances during the ten years made by the keeper, from which deduct the interest allowed by the commissioners of the sinking fund on moneys advanced by the keeper for building purposes, then to the remainder of interest paid add the loss by fire, house-rent, fire wood, &c., including his family expenses for the last ten years, living in Frankfort, and the sum total resulting from this calculation, when compared with the nineteen thousand dollars—his portion of the profits—his profit or loss, as the case may be, will then appear as it is.

"I will here take occasion to add that I feel it to be my privilege, as well as my duty, to make the above statements, inasmuch as it has been said that I had made a fortune here, and ought to give place to others; and I will further say, that if any gentleman doubts the correctness of the above statements, I pledge myself to produce the data at any time, fully demonstrative of the truth of the above statements, for they are all matters of record, kept by a faithful clerk of the honorable Senate's own appointing, and recognized fully in each settlement with the commissioners of the sinking fund.

"Our business operations have been pretty much as heretofore, and as set forth in our last report.

"A majority of the prisoners are engaged in the manufacture of hemp into cotton bagging, but the prices of the raw material and manufactured article have varied so little from each other that the clear profits which we have realized from that branch of business is not as large as I think we deserve when we take into consideration the quality of bagging we make when compared with the quality of bagging made elsewhere. Our bagging has always commanded the highest market price, and met with ready sale.

"During most of the last two years we have been manufacturing on commission, and have found that plan better calculated to advance our interest than by buying the raw material and selling the manufactured article; the prices per yard have varied from three and a half to four cents, negotiable paper on four months' time.

"In manufacturing hemp on commission we have avoided risk by shipments and otherwise, and particularly losses by commission merchants,

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though in our dealings with our commission merchants we have not, up to this date, sustained a loss of one cent, while our accounts with all of them stand nearly square, and in our dealings with the community we have made comparatively but few debts but such as will be realized to the last cent.

"In the stone-cutting branch of business we are doing but little, the competition from abroad is such as renders that branch entirely unprofitable: we have been compelled to confine ourselves exclusively to special orders, the price being fixed before the work is even commenced.

"The shoe business also continues to be very dull, and we are doing but little beyond what our own consumption requires.

"The chair and coopering branches we are still doing considerable in, and are preparing to increase those branches during the approaching season very far beyond what we have heretofore been doing, particularly in the oak vessel line, though we find material very hard to procure, even at advanced prices.

"We have purchased the right to build and sell, in several adjoining counties, King & Mendenhall's patent hand-loom, for the use of private families; and so soon as we can procure suitable materials, it is our intention to build quite a number. This loom is, we believe, one of the best inventions of the age, and well calculated to encourage home industry, save labor, and yield a fair profit to owner and manufacturer. We will have one in operation in a few days, and earnestly invite all to inspect it.

"I may have passed by some other matters connected with the management of the prison, about which some of the members of the General Assembly may feel some interest or anxiety; should this be the case, you will please make it known, and the information desired shall be promptly furnished if found within my reach.

"Many suggestions made by your honorable body, and other visiting gentlemen, we have found of great benefit to us and the institution; any such suggestions made, or any information furnished us, having for its object the furtherance of the interest of the institution, will be most thankfully received.

"The members of both branches of the Legislature, and their visiting friends, are most cordially and most pressingly invited to visit us as often as their engagements will allow. Every officer and guard at the prison will take pleasure in giving all the information in order to make your personal visits agreeable and interesting, and should any one connected with the prison, or about it, manifest a want of courtesy, due respect, or a disposition not to give any required information or attention to any point, or in any way during your visits to the prison, the keeper will be under many obligations to any one who will make it known to him.

"All of which is most respectfully submitted.

"N. CRAIG,

"Agent and Keeper Kentucky Penitentiary."

1844 to 1855—Newton Craig, Keeper.

CLERK'S REPORT.

“OFFICE KENTUCKY PENITENTIARY, }
“Frankfort, December 16, 1853. }

“SIR: Herewith you will receive exhibits from A to E, containing statements of the resources and liabilities of the penitentiary, at the two last annual settlements with the commissioners of the sinking fund; an estimate of its financial condition on the 1st day of December, 1853; a report of the number of prisoners in confinement on the same day, their crimes, sentences, ages, &c.; together with a table compiled from the prison register, intended to show the progress of crime in this State for the last eighteen years, as the estimates and statistics usually furnished by the clerk to the keeper of the penitentiary, to accompany his report to the Legislature.

Respectfully,

“S. I. M. MAJOR, JR., Clerk Penit'y.

“N. CRAIG, ESQ., Agent, &c.”

(A.)

A Statement showing the resources and liabilities of the Kentucky Penitentiary, at the annual settlement of the Keeper with the Commissioners of the Sinking Fund, on the 1st of March, 1852:

RESOURCES.	
Accounts and notes due this day, as per balance sheet.....	\$15,727 00
Account against the Commonwealth, as rendered in detail	1,762 93
Account against the United States for keeping United States prisoners, placed in hands Maj. Breckinridge for collection	1,355 33
104,000 yards bagging in hands of commission merchants on consignment, estimated at 11½ cents per yard	11,960 00
Stock on hand—raw materials and manufactured articles in the prison, as per estimate and inventory of keeper.....	28,414 00
Total resources.	\$59,219 26
LIABILITIES.	
To N. Craig—for balance to his credit on books of first term, as per balance sheet	\$24,872 84
Deduct balance to his debit on books present term, per balance sheet	9,980 89
Leaving balance to his credit	\$14,891 95
To bills payable—notes given for materials, &c., purchased on time by written permission of the Governor	4,814 24
To sundry persons for materials, &c., furnished prison, as per accounts	8,723 20
To the officers and guards of the prison—for salaries due and undrawn	3,160 62
To Smith & Shotwell, commission merchants—for advances on consignments of bagging.....	19,397 21
Total liabilities	50,987 22
Leaving a balance of profits of the institution, for the year ending March 1st, 1852.....	\$8,232 04

1844 to 1855—Newton Craig, Keeper.

(B.)

A Statement showing the resources and liabilities of the Penitentiary on the 1st day of March, 1853:

RESOURCES.

Notes and accounts due the prison this day, as per balance sheet.....	\$13,289 79
2,000 yards of bagging in hands of commission merchant, estimated at 11 cents per yard	220 00
62 split-bottomed chairs in hands of commission merchants, at \$1 25.....	77 50
68,000 yards bagging manufactured for Gen. William Johnson, at 3½ cents per yard	2,380 00
Stock on hand—raw materials and manufactured articles in the prison, as per estimate and inventory of keeper	21,306 00
Total resources	\$37,273 29

LIABILITIES.

To N. Craig, as per account rendered.....	\$11,617 55
To Commonwealth, amount to credit of account.....	2,000 30
To sundry persons for materials, &c., furnished prison, as per accounts.....	6,255 22
To the officers and guards of the prison—for salaries due and undrawn.....	3,555 30
To commission merchants—for advances on consignments of bagging and rope	4,156 17
Total liabilities	27,584 54
Leaving a balance of profits for the year ending March 1, 1853.....	\$9,688 75

(C.)

A Statement showing the resources and liabilities of the Kentucky Penitentiary on the 1st day of December, 1853:

RESOURCES.

Accounts and notes due the prison, as per balance sheet	\$27,811 91
Stock on hand: Raw materials and manufactured articles, as estimated by the keeper.....	20,306 00
Total resources	\$48,117 91

LIABILITIES.

To N. Craig, balance to credit of account for amount advanced and assumed for prison, &c.....	\$21,132 64
To Commonwealth: Balance to credit of account this day.....	8,223 69
To sundry persons, for accounts against prison, not rendered, estimated at.....	10,215 48
To officers and guards of the prison, for salaries due and undrawn....	1,155 36
Total liabilities.....	40,727 17
Leaving the probable profits of the institution for nine months, from the 1st day of March, 1853, to the 1st day of December, 1853.....	\$7,390 74

1844 to 1855—Newton Craig, Keeper.

(D.)

The following tables show the number of prisoners received and discharged from the 20th day of October, 1851, to the 1st day of December, 1853; the present number of inmates, their crimes, sentences, nativity, education, ages, previous habits, social relations, &c., viz:

Number in confinement on the 20th day of October, 1851, as per last report.....	166
Received into the prison from the 20th day of October, 1851, to the 1st day of December, 1853	188

Making	354
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The number discharged during the same time is as follows:

By expiration of sentence.....	111
By pardon of Governor Powell	50
Escapes	2
Deaths	6

Making	169
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Leaving in confinement 1st day of December, 1853	185
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Of the foregoing number, there are—

White males	170
Colored males.....	15

Total	185
-------------	-----

CRIMES.

Larceny.....	73
Horse stealing.....	29
Burglary.....	23
Manslaughter	22
Assisting slaves to run away	11
Passing counterfeit money	8
Arson.....	6
Having counterfeit money	5
Intent to kill.....	3
Bigamy	2
Rape.....	1
Forgery	1
For receiving stolen property.....	1
For emigrating to this State, (free negro).....	1

Total	185
-------------	-----

NATIVITY.

Kentucky.....	52
Ohio	18
Virginia.....	17
New York.....	16
Ireland.....	15
Pennsylvania.....	14
Tennessee	10
England.....	7
Germany	7
North Carolina.....	4
Scotland.....	4
Maryland.....	4
France	3
Massachusetts.....	3
Mexico.....	2
Italy	1
Mississippi.....	1

Amount carried forward.....	178
-----------------------------	-----

1844 to 1855—Newton Craig, Keeper.

Amount brought forward	178
Nova Scotia	1
Prussia	1
South Carolina	1
Indiana	1
Vermont	1
Canada	1
Rhode Island	1
Total	<u>185</u>

EDUCATION.

Superior, or those who have a classical or scientific education	1
Good, or those who have received a general English education	14
Common, or those who can read, write, and cypher	54
Poor, or those who can only spell and read	68
None, or those entirely destitute of education	48
Total	<u>185</u>

AGES.

From 20 to 30 years	101
From 30 to 40 years	36
From 15 to 20 years	19
From 40 to 50 years	16
From 50 to 60 years	9
From 60 to 70 years	3
From 70 to 80 years	1
Total	<u>185</u>

PREVIOUS HABITS.

Habitually intemperate	65
Occasionally intemperate	45
Temperate	75
Total	<u>185</u>

SOCIAL RELATIONS.

Single	108
Married	62
Widowers	11
Separated	4
Total	<u>185</u>

1844 to 1855—Newton Craig, Keeper.

(E.)

A Statement showing the number of prisoners received at this Institution, from the different counties in the State, for the last eighteen years, (commencing on the 1st day of December in each year,) and given to show the increase of crime in Kentucky during said time, viz:

COUNTIES.	1836	1837	1838	1839	1840	1841	1842	1843	1844	1845	1846	1847	1848	1849	1850	1851	1852	1853	Total.
Adair.....	1	1														1			3
Allen.....							1												2
Anderson.....					1	1					1	2			2				7
Barren.....							1	1	1					1	4	1	1	1	11
Bracken.....							1				2			2	1		2	1	7
Ballard.....											1								4
Bourbon.....	2				1									1	1				5
Breckinridge.....	2	1				2	1			1	3		1			1	1	4	16
Butler.....						2	1				1		1						2
Boone.....			1													1		1	7
Bath.....			2										1					1	6
Boyle.....														1	2		2		5
Bullitt.....			1	3	2							1							10
Christian.....			1	1	1			3		1	2							1	8
Clarke.....				1							2					1			6
Carroll.....						1	3							1					6
Calloway.....								1			1	1	1		2		1		7
Caldwell.....					1		2	1				1		1			2		6
Clinton.....														1	1				4
Clay.....			1	2		1					1			2	1		1	1	8
Campbell.....	2	1	5	4		1	1				5			2	3	2			26
Carter.....														1	1	1			3
Casey.....														1					3
Crittenden.....														1			1		2
Davless.....		1		1					1			1			1				8
Estill.....						1										1			1
Fayette.....				3	3	4	1	3	2	4	2	3	3	2	1	6	1	2	46
Floyd.....	2	4	1												1	1			3
Franklin.....					1		1	1					1			2			7
Fleming.....	1		1			1	1			2		4					1	1	12

1844 to 1855—Newton Craig, Keeper.

(E.)—Continued.

COUNTIES.	1836	1837	1838	1839	1840	1841	1842	1843	1844	1845	1846	1847	1848	1849	1850	1851	1852	1853	Total.
Oldham.....		1											1	1	1				4
Owen.....	2										1								3
Ohio.....	1				1				1						3	1			7
Owsley.....								2								1	3	1	1
Pulaski.....							1		1		1		2						4
Pendleton.....				1		1								2					4
Perry.....	1														2		2		6
Pike.....			2								1		1	1				1	7
Russell.....			2			1													3
Rockcastle.....		1							1			1		1	1				4
Simpson.....										1		1		1					4
Scott.....	1	1			1			1		5				1	1		1		11
Shelby.....						1				1			1		1				6
Spencer.....																			1
Todd.....									1						1				2
Trigg.....																			2
Taylor.....																			1
Union.....													1						1
Washington.....	1					1		1	1		3	1		1				1	14
Whitley.....		1			1	1									1		1	1	4
Warren.....										1							1	2	7
Wayne.....											2	1		1			1		4
Woodford.....												1			2			1	5
United States Court.....		1	1				1	1	1			1				1			8
Total.....	49	81	68	78	71	69	81	74	57	74	71	65	69	52	101	78	86	91	1,285

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RECAPITULATION.

The foregoing 1,285 prisoners were convicted of the following crimes, viz :

For larceny	517
For horse stealing.....	146
For manslaughter.....	100
For passing counterfeit money.....	68
For burglary	62
For forgery	21
For assisting slaves to run away	29
For intent to kill.....	40
For arson	26
For perjury	10
For highway robbery.....	10
For making counterfeit money.....	13
For mail robbery.....	8
For bigamy	7
For stealing slaves.....	4
For mayhem	3
For rape.....	2
For poisoning	2
For fraud	2
For felony, (particular offense not stated in clerk's transcript of conviction).....	199
For emigrating to this State, (free negro).....	1
For gambling	1
For receiving stolen goods	3
For abduction	2
For having counterfeit money in possession.....	4

Total 1,285

Of these there were—

Males	1,272
Females	13

Total 1,285

PHYSICIAN'S REPORT.

"The health of the prisoners for the last two years has been comparatively good. With the exception of epidemic dysentery during a part of the summer of 1852, and the spring of the present year, no serious disease has existed among them. Two deaths occurred during the year 1852, and four during the present year. The deaths that occurred in 1852 were from consumption, and those of the present year were, one from chronic disease of the brain, in an idiotic negro; one from acute disease of the membranes of the brain, in a negro man; one from consumption, in a very old white man; and one from bronchitis, in a man who was brought to the institution in a dying condition, and who only survived a few days after his admission.

"During the prevalence of epidemic dysentery the two last years, serious inconvenience was felt for the want of hospital arrangements suitable for such an emergency; we had again to use the chapel as a hospital for some length of time, and that too without any such comforts or conveniences as humanity would suggest in such cases. The room used for the sick is unfit for that purpose, and has never had accommodations for more than a half dozen invalids, with the steward and other attendants. In case of the appearance of an epidemic we have no means of separating the sick so as

1844 to 1855—Newton Craig, Keeper.

to prevent the spread of disease, without using the chapel, which involves very considerable additional expense and trouble in the way of fitting up, and extra nurses, &c. I feel safe in saying that the institution has lost more in that way in the last ten years than would have been sufficient to have built an apartment sufficient for any emergency that might have arisen.

The following table will exhibit the number and character of cases that have been treated :

Diseases.	1852.	1853.	Total.	Deaths.
Asthma.....	4	5	9	4 Three others pardoned to die with their friends.
Abscess.....	3	6	9	
Amputation of arm.....	-----	1	1	
Bronchitis.....	10	4	14	
Biliary derangement.....	80	118	198	
Catarrh.....	50	78	128	
Consumption.....	4	3	7	
Diarrhea.....	34	32	66	
Dysentery.....	31	38	69	
Dropsy.....	1	2	3	
Debility.....	2	6	8	
Erysipelas.....	-----	1	1	
Flatulency.....	-----	6	6	
Fracture of arm.....	1	-----	1	
Hernia, reducible.....	4	6	10	1 Insane when admitted.
Hydrocele.....	1	1	2	
Intermittent fever.....	20	17	37	
Inflammation of brain.....	-----	1	1	
Insanity.....	-----	1	1	
Jaundice.....	4	12	16	
Lumbago.....	2	3	5	
Laryngitis.....	10	9	19	
Neuralgia.....	4	2	6	
Ophthalmia.....	6	3	9	
Pleurisy.....	5	2	7	
Pneumonia.....	4	1	5	
Rheumatism.....	6	9	15	
Total.....	-----	-----	653	

"From the above table it will be seen that six hundred and fifty-three cases were admitted for treatment during the two years. Many of these cases were of a grave character, and required prompt treatment, whilst the greater portion were simple derangements of the system, relieved by rest and little medicine.

"I have continued to receive every aid and assistance from the keeper and his subordinates in my efforts to relieve the sick, who have required medical treatment. A prisoner who has some knowledge of medicine is kept constantly in the hospital, and gives his entire attention to the sick night and day, when required. The keeper in full confidence, as I believe, cheerfully submits everything relating to the health of the inmates to my judgment, and I have always found him ready and willing to carry out

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any suggestions of mine having for their object the promotion of the health and comfort of the unfortunate men committed to his care.

“A number of the inmates, suffering from incurable chronic diseases, have been pardoned by the Executive at my suggestion, and permitted to return and die among their friends. This course I have pursued for years, believing it to be in accordance with the laws of humanity, and not in violation of the intentions of the laws creating the institution.

“No case of derangement of the mind, from confinement in the penitentiary, has occurred during the ten years I have had the medical charge of the institution. There have been several lunatics in confinement during that time, but they were laboring under that difficulty at the time of their commitment, and were treated during their confinement with all the leniency which their conditions required.

“An accident of a serious character happened to one of the inmates in 1852, by which he was near losing an arm. It was caught in the bagging callender and severely injured, being fractured in several places, and otherwise extensively lacerated. By the use of the bandage and other appropriate treatment the necessity of amputation was obviated, and the arm saved, though stiffened and comparatively useless.

“An accident of the same kind occurred in July of the present year, which was more serious in its termination; in this case amputation of the arm was necessary, and the unfortunate inmate was compelled, at the expiration of his sentence, which occurred in a few weeks after the accident, to go forth into the world maimed, friendless, without character, and with no means of obtaining a livelihood.

“I deem it proper in this connection to say, that in each of these cases the accidents were the result of carelessness, to a great extent, on the part of the unfortunate inmates; had they obeyed the instructions so often repeated to them by the keeper, they would have avoided the danger of being injured.

“W C. SNEED, M. D.,

Physician Kentucky Penitentiary.”

“December, 1853.

February 13, 1853. “Mr. Geiger, from the Committee on the Penitentiary, made the following report, viz:

“The Committee on the Penitentiary respectfully report that they have, in committee and individually, visited from time to time the State prison and inspected its condition, and investigated the general treatment of its convicts, as well as examined the nature of the duties assigned them; and as the result of their labors submit the following:

“Your committee unanimously concur in opinion as regards the unfitness of the cells, both as relates to the safety of the same as well as the health of the convicts.

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"The committee found that, succeeding a rain, dampness to a considerable extent pervaded the ground within the inclosure and adjacent to the cells.

"The committee found the hospital of such contracted dimensions that during any epidemic, or where more than the ordinary number of cases of sickness occur, that there can be but little accommodation, and serious difficulty might arise: the floor of which is also found to be considerably below the outside surface.

"The committee consider the location for the penitentiary as an extremely injudicious one; and the necessity is, therefore, the more urgent, that better arrangements should be made for the health and personal comfort of the convicts.

"The committee have, upon examination, such as has been within their power, found the strictest of rules (which we regard as highly judicious and sanitary) governing the labors, conduct, and treatment of the convicts.

"The committee found the clothing to consist of good material, well made, and altogether comfortable. The convicts are cleanly in their habits, their diet wholesome, and prepared with neatness.

"The laws in relation to this institution appear, as far as lie within the power of the committee to learn, to be sufficient for its good government, and do not, therefore, recommend any further legislation.

"Of the business operations of the institution, your committee did not make a detailed investigation, for the reason that its financial condition is fully reported by the clerk of the penitentiary, and the law now directs an annual settlement with the commissioners of the sinking fund, in whose competence to investigate its fiscal transaction, it is believed the General Assembly have implicit confidence.

"T. WOODSON,

"R. C. PALMER,

"REUBEN MUNDAY,

"NAT. W. COLLINS,

"Committee of the Senate.

AL

SAM. L. GEIGER,

S. P. L. MARSHALL,

L. B. GOGGIN,

J. F. BLANTON,

J. W. GRIFFITH,

"SOMERSON GREEN,

"LARKIN FAIN,

"Com. House Representatives."

An act approved March 6, 1854, provided for a final settlement with the present keeper of the penitentiary, (Craig,) by authorizing the commissioners of the sinking fund to employ three discreet and disinterested persons, practical mechanics, to value the raw materials, manufactured articles, &c., on hand, at a fair wholesale cash valuation, and return the same to the commissioners of the sinking fund, to be by them preserved, &c., &c. They were to make a complete inventory of the tools and implements

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of trade in the penitentiary, and annex the value of each article. The commissioners of the sinking fund were authorized to make a final settlement with the keeper, and divide the raw materials, stock, and manufactured articles, tools, implements of trade, debts, effects, and any other articles in which the Commonwealth and said keeper were jointly interested, in such manner as, first, to provide for the payment of the debts of said penitentiary; and secondly, for a fair division of the net profits between the Commonwealth and the said keeper, in accordance with the law under which he became keeper, and the several acts passed since that time in relation to the penitentiary; and the said valuers were to make an inventory of the machinery then on hand belonging to the Commonwealth, and annex the value to each article, with the view of being handed over to the next keeper; and if there should be any surplus of manufactured articles and raw materials, the commissioners of the sinking fund were to sell the same, and pay the proceeds into the treasury to the credit of the sinking fund.

The valuers were to be appointed at any time before the expiration of the keeper's term, not exceeding twenty days, and the keeper elect was to be notified of the day the valuers would enter upon the duties of their appointment.

The commissioners of the sinking fund were to make a thorough investigation and settlement of all the accounts and business between the State and keeper, and to investigate and correct any and all mistakes made between the commissioners and the keeper in their previous settlements, and report the same to the Auditor of State.

An act approved March 10, 1834, provided "That the commissioners of the sinking fund be, and they are hereby authorized, in their final settlement with the present keeper of the penitentiary, to contract with said keeper for the purchase of the residences of said keeper and his assistant keeper, for the use of the penitentiary; and that the said commissioners, to be appointed by the commissioners of the sinking fund, to value the stock, &c., on hand, be directed to fix a fair value on said residences; and when the said keeper shall convey to the commissioners, by general warranty, a good and clear title to said property, then the said commissioners of the sinking fund may allow, on their settlement with the present keeper, the price allowed by said commissioners, payable by assigning to the keeper of the penitentiary articles of personal property belonging to the penitentiary equal in value to the real estate aforesaid, according to the valuation that may be affixed on both the real and personal property by said commissioners."

The new constitution having gone into operation in Kentucky, and a law having passed the Legislature at its last session regulating the time and mode of electing public officers, and Capt. Craig's time terminating before

1844 to 1855—Newton Craig, Keeper.

the next session, an election for keeper of the penitentiary was held this session, as will be seen by the proceedings of that body hereafter reported. No election of the kind had ever created so much excitement in the Legislature, and none before had been governed by political influences. It will be seen that an unusual number of candidates were voted for, and that the contest was animated and protracted, Craig sustaining a large vote throughout all the ballots, and was finally defeated by a combination of the friends of Bledsoe with his successful opponent. His friends stood by him to the last ballot, and were only beaten by the combination of the vote of the friends of the other aspirants.

Every sort of secret charge and influence were brought to bear against his re-election, and other means used not necessary to be mentioned here, though allusion to the same will be found elsewhere in this report.

February 20th, 1854, was the day fixed upon by both branches of the Legislature for the election of public officers, when the following proceedings were had:

"Mr. D. Howard Smith nominated Mr. Newton Craig, as a proper person to fill the office of keeper of the penitentiary.

"Mr. Cunningham nominated Mr. Zeb. Ward.

"Mr. Cobb nominated Mr. Thomas Sewell.

"Mr. Blain nominated Mr. S. A. Hatch.

"Mr. Machen nominated Mr. M. W. Redd.

"Mr. Stone nominated Mr. Joseph S. Bledsoe.

"After interchanging nominations, the Senate proceeded to take a vote.

"Messrs. Kohlhas and Bradley were appointed a committee on the part of the Senate, to act in conjunction with a committee on the part of the House of Representatives, to compare the joint vote and report the result.

"After a short time, Mr. Kohlhas reported that the joint vote stood thus:

For Mr. Craig.....	51
For Mr. Ward.....	25
For Mr. Sewell.....	13
For Mr. Hatch.....	10
For Mr. Redd.....	16
For Mr. Bledsoe.....	22

"Mr. Blain withdrew the nomination of Mr. Hatch.

"After interchanging nominations, no one in nomination having received a majority of all the votes given, the Senate proceeded to take another vote on those remaining in nomination.

"The same committee were appointed to compare the joint vote and report the result.

"After a short time, Mr. Kohlhas reported that the joint vote stood thus:

For Mr. Craig.....	51
For Mr. Ward.....	32
For Mr. Sewell.....	12
For Mr. Redd.....	16
For Mr. Bledsoe.....	26

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“Mr. Cobb withdrew the nomination of Mr. Sewell.

“Mr. Blain re-nominated Mr. Hatch.

“After interchanging nominations, no one in nomination having received a majority of all the votes given, the Senate proceeded to take another vote on those remaining in nomination.

“The same committee were appointed to compare the joint vote and report the result.

“After a short time, Mr. Kohlhas reported that the joint vote stood thus:

For Mr. Craig.....	55
For Mr. Ward.....	34
For Mr. Redd.....	15
For Mr. Bledsoe.....	23
For Mr. Hatch.....	10

“Mr. Blain withdrew the nomination of Mr. Hatch.

“Mr. Shawhan nominated Mr. O. P. Beard.

“After interchanging nominations, no one in nomination having received a majority of all the votes given, the Senate proceeded to take another vote on those remaining in nomination.

“The same committee were appointed to compare the joint vote and report the result.

“After a short time, Mr. Kohlhas reported that the joint vote stood thus:

For Mr. Craig.....	56
For Mr. Ward.....	32
For Mr. Redd.....	10
For Mr. Bledsoe.....	29
For Mr. Beard.....	10

“Mr. Golladay moved the following resolution, viz:

“The rule of the Senate being dispensed with, said resolution was taken up, and read as follows, viz:

“*Resolved by the General Assembly, That after the sixth ballot no new nominations shall be made, and on that ballot we drop the hindmost candidate, and continue to drop the hindmost on each ballot thereafter, until an election is had.*

“Mr. Conklin moved to amend said resolution as follows, viz:

“*Resolved by the General Assembly of the Commonwealth of Kentucky, That after the next ballot, should it not result in the election of a keeper of the penitentiary, that the candidate receiving the smallest number of votes be dropped, and the candidate receiving the smallest number of votes on each succeeding ballot be dropped, until an election is effected: and that no new nomination be received after the 6th ballot.*

“And the question being taken on the adoption of the amendment, it was decided in the affirmative.

“The question was then taken on the adoption of the resolution, as amended, and it was decided in the affirmative.

“After a short time, a message was received from the House of Representatives, announcing that they had concurred in a resolution from the Senate in relation to the election of public officers.

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“ After interchanging nominations, no one in nomination having received a majority of all the votes given, the Senate proceeded to take another vote on those remaining in nomination.

“ The same committee were appointed to compare the joint vote and report the result.

“ After a short time, Mr. Kohlhas reported that the joint vote stood thus:

For Mr. Craig	52
For Mr. Ward	34
For Mr. Redd	12
For Mr. Bledsoe	28
For Mr. Beard	11

“ Mr. Shawhan withdrew the nomination of Mr. Beard.

“ After interchanging nominations, no one in nomination having received a majority of all the votes given, the Senate proceeded to take another vote on those remaining in nomination.

“ The same committee were appointed to compare the joint vote and report the result.

“ After a short time, Mr. Kohlhas reported that the joint vote stood thus:

For Mr. Craig	52
For Mr. Ward	39
For Mr. Redd	19
For Mr. Bledsoe	33

“ Mr. Machen withdrew the nomination of Mr. Redd.

“ After interchanging nominations, no one in nomination having received a majority of all the votes given, the Senate proceeded to take another vote on those remaining in nomination.

“ The same committee were appointed to compare the joint vote and report the result.

“ After a short time, Mr. Kohlhas reported that the joint vote stood thus:

For Mr. Craig	44
For Mr. Ward	50
For Mr. Bledsoe	43

“ Mr Stone withdrew the nomination of Mr. Bledsoe.

“ After interchanging nominations, no one in nomination having received a majority of all the votes given, the Senate proceeded to take another vote on those remaining in nomination.

“ The same committee were appointed to compare the joint vote and report the result.

“ After a short time, Mr. Kohlhas reported that the joint vote stood thus:

For Mr. Craig	60
For Mr. Ward	75
For Jesse Bayles	1

“ Mr. Zeb. Ward having received a majority of all the votes given, was declared duly elected keeper of the penitentiary, according to law.

Captain Craig continued the management of the institution during the remainder of his term with the same fidelity in all its affairs that characterized his administration from its beginning. His interest for the welfare of the convicts did not abate in consequence of his having to surrender up

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their management at the end of his term, but his discipline and good advice for their present and future good continued to be the same as heretofore.

No further reports were made by him to the Legislature, nor are there any other documents containing information of importance relating to the institution, except what follows. Nothing occurred during the interval between his last report and the expiration of his term of an unusual character. The general health of the convicts was as good as that of previous years. Four deaths occurred during the time, two of whom died between the 1st January and 1st March, 1855.

The summer of 1854 will be remembered as one of great distress in Kentucky on account of the great drouth of that year, and the scarcity of grain and vegetables the following winter. In consequence of the scarcity of vegetable matter, scurvy prevailed during the winter of 1854-5, and in the spring of the latter year was prevalent throughout the southwest generally. As far as it was practicable the convicts in the Kentucky penitentiary were supplied with vegetables, especially potatoes, which were scarce and hard to be obtained in quantities sufficient for so many men. Other vegetables were not to be had during the winter at any price nor in any quantities. In consequence of this want of vegetables, the scurvy made its appearance among the convicts in the spring of 1855, and when the time arrived for Captain C. to give up his charge a few cases were in the hospital laboring under the disease, and others were doubtless more or less affected with the same trouble. This was a source of considerable solicitude on the part of Capt. C., and many consultations were had as to the best means to remedy the evil. All the substitutes usually applied in such cases were resorted to with the usual effects. The same disease was found in private practice among the poor, and all those who could not obtain a free supply of vegetables. This statement is given to explain the cause of so much disease mentioned by the next keeper in his first annual report.

One of the cherished desires of Capt. C. before leaving the institution, was to place the cell buildings and hospital in a better condition than he found them on his receiving charge of the institution, or than they had ever been in during his two terms. This, however, was never in his power, as the whole subject of improvements was left by law to the commissioners of the sinking fund, who looked to the institution for dividends and not for any other of the purposes for which it was created. This board was composed of bank officers, who came once a year to look after the net profits, and who were more anxious for the dollars than for the comfort of the inmates of the prison. Had the matter been left to the keeper, a thorough reform would have been instituted, and the cell department made a place fit for *men* to sleep in, instead of one too bad for any species of animals. The buildings, too, were out of repair, because no allowance

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would be made for their improvement. This was done, however, as soon as his successor got possession.

The final settlement of the partnership between the State and Capt. C. was attended with the same tediousness and trouble of that of his predecessors; up to this writing a final settlement of all the matters in controversy has not been fully adjusted.

The following, as near as can be known, is about the result of his two last years' profits, the previous years having been given in the annual reports of the clerk to the Legislature:

1st March, 1854.

RESOURCES.	
Notes and accounts due this day	\$30,753 24
Due from A. W. Macklin.....	4,904 79
Stock, &c., on hand.....	25,300 00
	<hr/>
	\$60,958 03
LIABILITIES.	
Due to N. Craig.....	\$31,347 49
Due sundry persons.....	12,133 58
Due officers, guards, &c.....	1,529 60
Due Commonwealth of Kentucky.....	8,279 35
	<hr/>
	53,290 02
Net profits.....	<hr/>
	\$7,668 01

1st March, 1855.

RESOURCES.	
Notes and accounts due this day.....	\$13,693 11
Stock on hand	19,933 04
	<hr/>
	\$33,426 15
LIABILITIES.	
Due to N. Craig.....	\$32,049 12
Due sundry persons	8,003 83
Due Commonwealth of Kentucky.....	11,346 41
	<hr/>
	51,399 36
Deficit.....	<hr/>
	\$17,973 21

The deficit in the estimate for 1855 was caused by throwing out all the bad debts heretofore reported as assets. By the act approved 6th March, 1854, the commissioners of the sinking fund were to settle the accounts between the keeper and the State, and to correct any and all mistakes made in the previous settlements.

By an act approved 10th of the same month, the commissioners were authorized to purchase the residences of the keeper and the assistant keepers. This they did at a cost of \$8,500, and the property is now occupied by the present keeper and his assistant.

The following documents will explain themselves:

IN THE SENATE.

February 4, 1856. "Mr. Hogan moved the following resolution, viz:

"Resolved, That the commissioners appointed to settle with the late keeper of the penitentiary, report to the Senate the progress of said settle-

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ment, and what are the obstacles in the way that keeps them from bringing the settlement to a close.

February 6. "The Speaker laid before the Senate the response of the commissioners of the sinking fund to the above resolution, as follows:

"Gentlemen of the Senate:

"A resolution of your body has been laid before me, directing that the commissioners appointed to settle with the late keeper of the penitentiary, report to the Senate the progress of said settlement, and what are the obstacles in the way that keeps them from a settlement.

"When I came into office, on the 4th September last, I found that all the accounts, books, and papers of the late keeper had been referred, by the commissioners of the sinking fund, to Messrs. A. P. Cox and Thos. B. Page, to have them audited and settled, and a correct balance struck. I urged those gentlemen to progress with their task as rapidly as possible, and accordingly, on the 25th of October, a report was made, and a meeting of the commissioners immediately called. Upon such investigation as could then be made, the report was thought, in several particulars, to be based on erroneous data, and the chairman and one of the members were appointed a committee to expedite the settlement. A second report was made by the same gentlemen, by which the late keeper was found to be indebted on the 1st January, 1856, the sum of \$3,847 89. Since this report there has been no meeting of the commissioners of the sinking fund. An agreement was made by the commissioners with N. Craig for the purchase of a lot of ground which is thought to be absolutely necessary to the penitentiary warehouse, subject to the ratification of the Legislature, which agreement I herewith submit. If ratified by the Legislature, it will constitute a credit on the above balance against the late keeper. The commissioners will proceed to collect whatever may be the true balance against the late keeper as speedily as practicable.

"C. S. MOREHAD, Pres. Com's Sinking Fund."

The lot spoken of in this response was not purchased by the commissioners, and still remains the property of Capt. Craig. The following act reduced the balance due by Capt. C. to a small fraction, which will be adjusted when another claim of his is decided by the commissioners appointed by the last Legislature to examine the same.

An act approved 10th March, 1856, provided: "That the commissioners of the sinking fund be, and they are hereby, authorized and directed, in their final settlement with Newton Craig, late agent and keeper of the penitentiary, to allow the said Craig a further credit for the sum of two thousand six hundred and eighty-six dollars and sixty-four cents, being one third of the net profits of said institution for the years 1844 and 1845; which sum is allowed to said Craig in full discharge of all claims, either in law or equity, which he, the said Craig, may have against the Commonwealth, growing out of his connection with the penitentiary."

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BIOGRAPHICAL SKETCH OF CAPTAIN NEWTON CRAIG.

Captain NEWTON CRAIG was born in the county of Scott, State of Kentucky, September 16th, 1807. His father was a native of Virginia, and emigrated to Kentucky about the year 1732, and settled in the county of Scott. He was one of a numerous family of the same name, who took an active part in the struggle for independence; many of whom were confined in the jails of Virginia for preaching the gospel, they being of the Baptist persuasion. The subject of this sketch was raised on a farm. During the years 1833-4 he acted as assistant keeper of the penitentiary, while that institution was under the management of Joel Scott.

At the date of his election he was in the prime of life, and possessed of that degree of energy, industry, and enterprise well calculated to make his administration one of the most popular and successful that the institution had ever had, which would undoubtedly have been the case but for the terrible disasters which befell the same shortly after his first term commenced. Col. Henry, though an estimable gentleman, was not as well calculated for the position as his partner, Capt. Craig; and from the beginning the affairs of the institution were mainly left by Col. H. to the management of Capt. C.

The defeat of his predecessor made his friends the bitter enemies of their successors; and it will be seen from the documents that every possible obstruction was thrown in the way, to make the institution unprofitable in the hands of Capt. C. and his partner. From the evidence produced before the legislative committee it appears that advantage was taken of the law to leave in the institution a large lot of unsaleable articles, which could be turned to no advantage by the successors of the former keeper. This was manifestly a great injustice to the new keepers, and a direct wrong to the State.

The next session after their election, as appears from the documents, a question was sprung before the Legislature as to the legality of their election. The majority and the minority reports, on pages 301-7, will show how this matter was finally disposed of. But the great act of injustice to Capt. C. was the very unfair valuation of the raw materials and manufactured articles made by Messrs. A. and B., and which the commissioners of the sinking fund endeavored to force upon him. How this matter would have been settled, had the fire not occurred, it is now impossible to determine. That calamity put an end to the question, and resulted in great injury to Capt. C., and a heavy loss to the State.

In C. & H.'s reports, it will be seen that the Reporter was made an officer to the institution immediately after it was taken charge of by them, and hence his opportunity for knowing personally the facts which follow. When the institution was delivered to C. & H. it was in such a condition as to embarrass the new keepers in every possible manner. These facts have been stated at full length in the preceding pages, and will not again be more than alluded to. It was under these difficulties and embarrassments that the energy, skill, and management of Capt. C. were fully brought out. He at once proceeded to have every thing put in the best of order that circumstances would admit of. A corps of efficient assistants were engaged; rules for the government of the officers, guards, &c., were made; a system for the discipline of the inmates was instituted—all of which were, as we believe for the first time, printed and hung up in the office and other buildings about the institution. And these rules were rigidly and persistently enforced.

The confidence of the inmates was secured, so that punishment, except in extreme cases, was dispensed with. The confidence of the public, too, was soon secured, and the credit of the institution was placed at once on the very highest position. Although the State had failed to comply with her part of the contract, in supplying the keeper with the amount of raw materials, &c., according to contract, through the energy, industry, and good credit of Capt. C. the affairs of the institution were not permitted to suffer; but, on the contrary, up to the time of the disaster of the 30th August the institution had never been more prosperous.

That disaster came like a thunderbolt; crushing at once the hopes of the keepers, and sweeping away in a single night the accumulations of many years from within the walls of the prison. The documents exculpate the keepers from all blame in the loss of the buildings, &c., by this disastrous fire; but the enemies of Capt. C. then, and for years after, used it to his prejudice,

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and charged him with carelessness and want of management in not preventing the disaster. Nothing could be more unjust, as it is well known to the Reporter that the care and attention used by the keepers to guard against dangers of all kinds were unceasing. Of the various accounts given of the origin of the fire, none seem to be entirely satisfactory. It was our opinion at the time, and also that of some of the other officers of the prison, that the fire had its origin by the accidental catching of the partition, in a room, from a candle stuck against the same, by a female convict who was sleeping in the room, (there being then no female prison within the walls,) or by means of a slow match concealed in an upper room. Be this so or not, when the alarm was given, which occurred about ten o'clock at night, the frame building which occupied the center of the yard was in a full blaze, and extended so rapidly as to put all effort for its arrest at utter defiance. In a few moments this building was enveloped in flames, and, being of highly combustible materials, it was swept away in a very few moments' time not being allowed to secure but a small portion of the goods and materials within. Every effort was made on the part of the officers and citizens to arrest the flames at this point, but unfortunately there were no means at hand sufficient to accomplish so desirable an object. The supply of water to the institution was from the pipes leading to and supplying the city with water. Unfortunately, on this night the water had been shut off at the spring which supplies the town, and there was no water to be had either within the walls, nor adjacent thereto. The institution is near a half mile from the Kentucky river, and there being no efficient fire department in the city, all hope for a supply from the river was hopeless. Thus situated, the keepers and citizens were forced to the painful necessity of standing by and seeing the devouring element do its work without being able to check its progress. The center building was soon consumed, and then the fire extended to the buildings on the right. They, too, were devoured in a short time, and the fire extended its ravages until the entire row of work-shops, extending around three sides of the yard, were reduced to ashes, with all the machinery and every thing else within them. The disaster was complete; there being nothing left of the interior buildings but the cell department. This, fortunately, escaped; but there was presented in this department during the progress of the devouring element, a scene of horror and alarm calculated to move the heart of the most hardened wretch upon earth. By reference to the plate at page 219, it will be seen that the cell department occupies the north side of the prison yard, and it will be remembered, also, that the shops and other buildings extended along the west, south, and east walls. Nothing saved this department from being consumed with the rest but the calmness of the night, and the best economy used in applying what water could be obtained in the yard to the roof of the cell buildings. Had a wind prevailed from the south, all the energies of the keepers, aided by the whole populace of the city who had assembled at the institution, could not have saved it from total destruction. In this cell department there were locked up, in separate cells, in all about 150 men. The cells, as before described, are surrounded by two walls, a roof covering all; out of this cell department there was but one means of escape, and that was a door opening into the yard near the main entrance at the northwest corner. Had this roof taken fire near this opening, no mortal could have been induced to enter the cell department and unlock each cell in which the unfortunate victims were confined, and let them out. The result can be easily told—every man would have perished. Amid the confusion incident to so terrible a scene, Capt. C. might be seen moving in every direction, doing all that it was possible for human judgment to devise or execute to arrest the terrible disaster; but the flames swept on with resistless fury, until the buildings and their contents were reduced to smouldering ruins. After doing all in his power to save the buildings, and finding his efforts futile, he turned his attention to the cell building, where his attention was soon arrested by the piteous cries of the poor creatures who were looking for the speedy destruction of the building over them, and the most horrible death that could possibly happen to them. About this time His Excellency the Governor, (a man of great humanity,) together with other prominent citizens, reached the penitentiary, and hearing the screams and prayers of the affrighted prisoners, stepped up to the large iron door which leads into the cell department,

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and demanded of the guard on the outside the key, declaring that the prisoners should all be immediately let out into the yard, which was then as light as day, and occupied by hundreds of citizens, who had assembled to witness and assist in checking the flames. The guard refused to surrender the key to the Governor, stating that he had orders from the keeper to maintain his position, which he would persist in doing. His Excellency replied: "I am the Governor of the State, and order you to open that gate, or deliver me the key." "That is, no doubt, all true," was the response of the guard, "but in order to open this gate you must bring Capt. Craig here to me." A threat was then made by some one to batter down the gate, to which the guard promptly replied: "Hands off, gentlemen, or I will shoot down the first man who touches that gate." At this time a runner was dispatched to Capt. Craig, who was actively engaged at another point, who soon appeared, and in a loud voice urged every officer to do his duty, and begging of His Excellency to aid in carrying out the plans already made, and assist in preventing a violation of any of them. The good sense and sound discretion of the Governor enabled him to see at once the necessity of obeying the orders of the keeper, and he exhorted all present to obey Craig's orders in every particular. The Captain at once opened the gate and entered the cell department, and in a few moments quieted the dreadful alarm of the inmates, who remained so during the remainder of the night. His attention had been occupied up to this time by two things, which if neglected might have resulted in the destruction of many lives. One was the steam boiler, then full of water, and the house in which it stood was on fire. To empty that boiler was his first thought, and the next was the removing of sixteen kegs of powder out of the prison yard, which was done without giving alarm to any one. With characteristic promptness and humanity, many of the most trustworthy of the prisoners were turned out to assist in saving the buildings and their contents, while the others were placed in such a condition as to make them feel safe from immediate danger.

A more horrible sight could not have been seen than the one witnessed in this institution on the night of this burning. And a more desolate and gloomy prospect could hardly be imagined than was presented here on the succeeding morning. One hundred and fifty, or more, unfortunate beings of every grade of intellect, age, temperament, habits, and character, were locked up in the cell building, who had to be fed and employed in some way; and that, too, within the walls of the prison, as it would not do to turn them loose upon the community, nor could safety and employment be found for them elsewhere. The whole interior was a smoking ruin, the fire not yet being fully extinguished. Here, indeed, was a scene well calculated to try a stout heart—and that heart was found throbbing in the bosom of Newton Craig. His partner, Col. Henry, was at his home in the Green River country, and hence no immediate aid or advice could be obtained from him. To make the disaster almost complete, Capt. C. was seized on the next day with a violent congestive chill, brought on by his over-exertion at the fire, which was well-nigh ending in his death. From this attack he fortunately soon recovered, and at once set about the erection of temporary buildings for the comfort and employment of the convicts. The disaster was enough to have cowed the feelings of any but a stout-hearted, brave man; and we have seen in the documents, that instead of giving up in despair, and turning the institution back upon the State, the keepers, or, more strictly speaking, Capt. C. as the acting partner, went at once to work to repair the damages, and to place the institution in a better situation in many respects than ever before. The testimony borne to his energy and industry in rebuilding the institution, is highly creditable to his skill and enterprise, but is no more than it richly merited. The derangement caused by the fire prevented for a time the carrying into effect one of the cherished desires of Capt. Craig in the management of the institution, and that was the moral influence which he hoped to exert over the minds of the unfortunate inmates. It will be seen from his several reports, that his views upon this subject were peculiar to himself, and that a desire to do good was more prominent with him than to make large annual profits. These views are now popular, and form a prominent feature in the reports of most of the wardens and keepers of similar institutions of the kind in this country, and it is hoped the day is not distant when the Kentucky penitentiary will be what it was originally intended to be, a place for the

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reformation and restraint of criminals, and not what it now is, a sink of corruption, kept for the benefit of political partisans.

While we do not claim for Captain C. perfection in morals, nor unprecedented skill for the management of such an institution, we do claim that no man ever entered upon and, as we believe, attempted to discharge his duties with greater fidelity and honest faithfulness to the State, and true and earnest zeal for the good of those under his charge, than he did. Of his efforts for the moral advancement of the unfortunate inmates, it can with strict propriety be said that he did more individually than any of his predecessors; and there are facts which can be adduced to show that more men were reformed and restored to usefulness through his influence than has ever been known under the charge of any keeper before or since his term. He had the confidence and esteem of every officer under him during his two terms. The rules of the prison were strictly enforced by him, and the morals of the place assumed a degree of respectability highly creditable to the keeper, and those under his charge. Vulgarity, idleness, and profanity were unknown. The inmates were required to observe the strictest decorum, not only to the officers, but to each other. Kindness and urbanity were prominent in the conduct of both officers and inmates, so that the institution assumed a degree of order, decency, and decorum of the highest order.

The death of Col. Henry, in 1847, threw the whole care and responsibility upon Captain C. This he assumed promptly, and retained until the expiration of the first term of five years, for which they were elected. At the expiration of that term, he was re-elected for six years without opposition. This re-election without opposition was a deserved compliment to a faithful and honest officer, and was deservedly bestowed. Of the Captain's success during his last term, the documents will speak; and though he never succeeded in declaring the enormous profits reported by his predecessors, the affairs of the institution were really never better conducted, and the State never realized more real profits from the institution than during this last term. The improvements made were of the most substantial character, and done on terms much below those done in previous years.

The attack made upon his management of the business affairs of the institution by Col. Anderson in 1850, was a signal failure, and afforded him an opportunity to demonstrate clearly his honesty and faithfulness in all his business transactions. After that defeat no other member of the Legislature ever attacked his character or conduct until the winter of 1853-4, when he was a candidate for re-election the third time.

A few years after he had taken charge of the institution an event occurred calculated to show in a striking degree the fearless bravery of the man, and the knowledge he possessed of the character of the men placed under his care. A notorious burglar and desperado was brought to the prison, who had made his boast that no keeper should ever chastise him while in the prison. This threat had been made known to the Captain, who soon had an occasion to try the firmness of the villain. Failing to comply with some of the regulations of the prison he was quietly taken into a room, with no one present but he and the Captain, when the rules were read to him; refusing to respond favorably to them, he was ordered in the most decidedly firm manner to strip and prepare for a flogging. This he at first refused to do; but finding that Captain C. was determined and as fearless as a lion, the desperado submitted to the flogging, and from thence became an obedient and faithful prisoner.

No event which occurred during the eleven years administration of Capt. C. was attended with greater trials than the period during the prevalence of the cholera in the institution. For near two months the fell destroyer raged with a violence unprecedented in the annals of the institution, requiring the most unceasing and diligent watch and care on the part of all the officers to prevent the disease from sweeping off every inmate within the walls. At the onset of this terrible disease one of the officers and two of the guards left the prison without a day's notice, and such was the consternation throughout the country it was difficult to find men willing to fill their places. The disease was not confined to the prison alone, but the private family of Capt. C. suffered considerably from the same visitation. He and his lady were both prostrated at the same time, and it required the most urgent appeals from his medical adviser and friends to keep

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him from attending the hospital, while yet suffering from the disease. During this trying time the energy and unceasing vigilance displayed by Capt. Craig to the wants of the unfortunate victims placed under his care, was truly praiseworthy. He left nothing undone which skill and kindness could devise to arrest the disease, and to mitigate the sufferings of the inmates. To this care and diligence on his part was due in a great measure the recovery and escape from death of many of the sick.

The rules established for the government of the officers and guard of the prison were the first and best ever introduced into it, and the faithful manner in which they were enforced should be ascribed to the determination of Captain Craig to elevate and establish a system of morals within the institution which would have a happy tendency in elevating both officers and convicts. Only a single instance of a violation of the rules of the institution established by him, in a subordinate officer, occurred during his terms, and that officer was promptly discharged as soon as his guilt was established.

With all of his trials and reverses Capt. Craig had the boldness and resolution to labor incessantly for the good of those placed under his care. His enemies charged him with hypocritical zeal in his efforts to reform the victims of folly and vice sent to the institution; but justice would accord to him a different motive and a high reward for his labors in this direction. But the great error of his life, and the one which caused him more regrets and the bitterest enemies, grew out of a matter commencing early in his first term and culminating in his defeat in 1853-4, when a candidate a third time.

In the year 1845 there was received into the prison a female prisoner, sent from Fayette county for assisting slaves to escape to Ohio. She, with a male prisoner, were convicted at the same time under the same charge, and sent, she for 2 and he for 15 years. At the time of her reception there was no other female in the prison, nor had there been one for some length of time previous. A small room made of boards, which had been erected after the fire, had to be fitted up and set apart for her. This was done by Capt. C., and she was made as comfortable as the nature of the circumstances would admit. All the facts connected with the history of the case of this woman were known to the people of Frankfort and Lexington, and a general interest manifested in her behalf. She had been a school teacher in Lexington, where she had been received into the families of some of the first citizens of that place. But a short time after her reception into the prison a large petition was gotten up in Lexington, signed by many of the best citizens of that place, for her pardon. This petition was signed by nearly every member of each branch of the Legislature, then in session, which, with many other considerations, induced Gov. Owsley to pardon her, against the urgent remonstrance and advice of Capt. C. Before this was done her venerable father came from his home in Vermont to use his influence for the pardon of his, as he thought, innocent and wronged daughter. After her pardon Capt. C., with a humanity characteristic of the man, took the father and daughter to his house, where they remained over night until arrangements were made for their departure in the steamboat to their far-off home at the north. Before leaving this woman had impressed upon the mind of Capt. C. that she was not only innocent of the charge of negro stealing, but that she was a pious and much abused woman. Some time after her return to her home in Vermont she wrote a long letter addressed to Gov. Owsley, Lieut. Gov. Arch. Dixon, Rev. Jas. M. Bullock, Capt. Craig, and Wm. Todd. This letter was sent to Capt. Craig's lady, whose sympathies had been aroused in her behalf while in prison. This letter was written in a simple business-like manner, stating that the inclemency of the climate of her home was making such inroads upon her constitution that she would have to return to the South or soon fall a victim to pulmonary disease, of which she had been for some time threatened. With his usual kindness the Captain replied to her letter, and gave her such advice as he thought proper and best for her good. From this grew up a considerable correspondence which resulted in establishing a friendship between them of some duration, and which finally was near eventuating in his death by an assassin, at the instigation of this woman.

Capt. C. was guilty of indiscretion, and was greatly imposed upon by this woman, it is deny. When too late he learned her true character, and will regret to the day of his

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death that he ever suffered himself to be imposed upon by one so unworthy of his sympathies and confidence. It would be more than useless in this report to detail with minuteness all the facts connected with this romance, and we have alluded to it for the simple purpose of showing to what extremes men will go in order to accomplish their selfish ends. When the election of 1853-4 came up this old story was revived, and the most unjust and unwarrantable construction put upon the whole thing in order to secure his defeat. After using every other means to accomplish that end, a large bribe was paid by some one of his enemies, and several of the letters which had passed between this woman and the Captain were published in the daily papers just on the eve of the election; and before time could be had to counteract their effect his defeat occurred. Most of these letters were perversions.

This woman has since proved herself to be a vile wretch, fit for any scheme of villainy, with talent and shrewdness to deceive the most wary.

After his defeat, and at the expiration of his last term of keeper of the penitentiary, Captain Craig retired to his estate in Scott county, where he is still living, having the entire confidence of his old friends, of whom the number is legion, surrounded by an interesting family, with a fortune amply sufficient to keep him above the world, with some enemies, but as true and good friends as any man ever had.



MODERN COSTUME.

CHAPTER VII.

1855 to 1860—ZEB. WARD, KEEPER.

Mr. Ward, who was duly elected keeper for four years by the Legislature at its last session, entered upon the duties of his office on the 1st March, 1855. The Reporter not being of the same political faith of the new keeper, and knowing that his services would be dispensed with, tendered his resignation, as attending physician, on the day the retiring keeper gave up his charge.

During the contest for the office the preceding winter, party lines were closely drawn, and it was understood, that in the event of the success of Mr. Ward, the office of physician would be transferred to another, that officer being appointed by the keeper at his pleasure, and subject to removal at any time he felt so disposed. This policy had been pursued by his predecessors, and no complaint is urged against the keeper on that score. It will be seen, that at the expiration of Mr. Ward's term, the physicians employed by him were not continued by his successor. The law is defective on this point, and should be altered. The physician, above all other officers, should be independent, and above the control of the keeper.

The former clerk being a State officer, appointed by the Governor, was beyond the control of the new keeper, and was, of course, not removed until after the law was passed giving him the entire control of the institution.

Mr. Ward, though a thorough business man, had no previous experience in the management of such an institution. He retained, however, one or two of the former assistant keepers, and some of the guards. He also employed other assistants who were men of business experience, from whom he received valuable aid in the first year of his term.

The officers of State and the leading men of Frankfort were generally of the same political faith of himself, and having full confidence in his ability to make the institution *pay*, he received from them every aid and assistance he needed or demanded.

Shortly after his induction into office, rumors were current of his ill treatment of the convicts, and of the wretched condition of the sleeping apartments in the cell buildings. These rumors reached the grand jury of Franklin county, who were directed by the circuit judge, at the May term, to visit the institution and inquire into the facts, and report them to the court. The grand jury made the visit, and the following is their report:

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GRAND JURY'S REPORT, MAY TERM, 1855.

The grand jurors for the circuit and county of Franklin have, in compliance with an order of the Hon. W. C. Goodloe, judge of the said circuit court, examined into the condition of the clerk's offices of the court of appeals, Franklin circuit and county courts, the Auditor, Register, and Treasurer's office, and find them in good condition, &c., &c.

The report goes on to state that they had visited all the other offices and gave the condition of each, &c. They conclude by saying:

"They also visited the State prison or penitentiary house, and have pleasure in reporting that great improvements have been made by the present incumbent in the internal police; its cleanliness and freedom from offensive odors; that the convicts are comfortably clothed and fed, with an ample supply of good corn bread, soups, salt and fresh meats, and vegetables, to which, in their opinion and that of the attendant physician, is mainly to be attributed the unusual good health of the convicts; but until the cells in which the convicts sleep are better ventilated and provided with bunks or bedsteads for them to sleep on, good health cannot be expected, although the cells and passages are entirely clean and well whitewashed.

"There is not a single bunk or bedstead in the male department of cells, save those purchased or owned by the convicts themselves; those who own none, have to sleep on a damp cold floor, in small, damp, and miserably ventilated cells, which must engender disease to a great or less extent. That bunks, bedsteads, and bedding should be provided for the convicts to sleep on, if any regard be had to their health, is indispensably necessary.

"Whether the furnishing those articles, deemed essentially necessary for the comfortable accommodation and health of the convicts, attach to the commissioners of the sinking fund, or to the keeper, is a question not belonging to this jury.

"While this jury with much pleasure award to the present keeper of the penitentiary great credit for the improvements he has made in the internal police of the prison, its entire freedom from dirt and filth, the ample supply of good wholesome food for the convicts, and their comfortable accommodation in all things except sleeping, they cannot withhold an expression of their disapprobation of the severity of punishment inflicted on the convicts, in more instances than one, amounting, if not to a violation of law, is at least violating to the feelings of humanity.

"P. DUDLEY, *Foreman.*"

This report is indorsed on the back, "Filed 23d May, 1855."

Of Mr. Ward, it is but justice to say, that he brought with him to the discharge of the heavy responsibilities of his new position, great energy of character, untiring industry, with shrewdness of forethought amply fitting him for the position he had assumed. His first annual report, with the

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accompanying documents, will explain all that it is important to say in regard to the first year's transactions of the institution under his charge.

ZEB. WARD'S FIRST ANNUAL REPORT.

"Gentlemen of the Senate and House of Representatives:

"The law makes it my duty to report to you the condition, operations, and business of the Kentucky penitentiary.

"I entered upon the duties of my office on the 1st of March, 1855. The number then in prison was 193: there have been received since that time 118, making 311. Of this number, 41 have gone out by expiration of sentence, 20 have been pardoned, and 13 have died in prison; leaving now in confinement 237.

"The expenditures from March 1st to December 1st, 1855, for every thing, amounts to \$27,858 89. The whole amount received for sales and labor, for said period, is \$26,250 00. The amount of stock and material now on hand, as per estimate, is \$7,711 90: making total receipts of prison, \$33,961 90: from which deduct expenditures, \$27,858 89—leaves \$6,103 01 in favor of the prison, as the profits for nine months. In addition to this balance, the prison has a claim against the Commonwealth of Kentucky, for repairs done by order of the commissioners of the sinking fund, of \$4,183 73.

"The resources of the prison, as per balance sheet of the clerk, stand thus: notes and accounts due the prison to the 1st of December, 1855, \$5,854 22: the amount of claims against the Commonwealth, \$187 00: cash on hand, \$14 95: stock and material on hand, \$7,711 90: total resources, \$13,768 07.

"Liabilities of the prison: to Zeb. Ward, for balance advanced to date, \$3,897 58: to sundry individuals, on accounts settled, \$391 45: to sundry individuals, on accounts unsettled, \$2,524 94: to officers and guards, for services due, \$851 09: making total liabilities, \$7,665 06: which, taken from total resources, \$13,768 07—leaves balance of profit, as before stated, of \$6,103 01.

"The foregoing statements, together with the report of the clerk and the report of the physician, both of which are made parts hereof, are respectfully submitted. You will find the clerk's report a full and satisfactory statement of the items and particulars upon which this report is based, as to the financial condition of the prison, and as to the statistics thereof.

"I regret that the foregoing statements do not show a more favorable condition of the prison; but the best has been done, which the circumstances by which I was surrounded, admitted of. My knowledge of the prison, since my appointment and since my entering upon the duties of keeper, authorize me to say, that many defects are to be cured, and improvements made, in order to make it comfortable to the prisoners, and

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profitable to the State and keeper. The entire prison is behind the age. There are not workshops enough to give employment to the number of convicts now in confinement, nor is there any room in the yard to allow of the extension of the buildings. I found all of the buildings out of repair when I took possession; I have repaired them to some extent, and have put new roofs upon all the workshops and cell buildings. The buildings themselves cannot be made what they should be. The floors are sunken and uneven, and the whole concern seems to be in a state of decay, except so far as the improvements above alluded to go to relieve the appearance.

“The machinery, too, is insufficient for the profitable employment of the number of men now in confinement. I would especially invite your attention to the cells and cell buildings: the cells are small and not ventilated, and there are only 126 which can be used at all; and the floor of the cell building is at least a foot below the surface of the yard; and there is no bedding in the cells except blankets, with a few old sacks filled with shavings, &c.; and no bedsteads, except some old wooden frames made by the prisoners, which are trifling, and fit only for temporary use; and in warm weather, the cells are so infested by vermin as to make it necessary to throw out the old frames. When I took possession, there was not a mattress in the prison belonging to the State, and none have been procured by the State since I have been keeper. I was told by the retiring keeper, that the State had never furnished any mattresses, and he had been keeper for eleven years. I objected to the beds and bedding when I took possession, but the commissioners of the sinking fund thought they had no power to afford a remedy. But even good beds would not make the cells comfortable; they, on account of their peculiar situation and location, being too damp either for comfort or health. The hospital is the worst part of the prison. It is of a V or triangular shape; the floor, like that of the cells, is at least one foot below the level of the yard. It has one door and one window, and the ceiling is eight and a half feet high, and two of its sides are about thirty feet in length, and the other is about twenty feet. It is low, dark, damp, and gloomy. This is the sick room for 237 persons: and I found 18 or 20 confined in this room when I entered upon the discharge of my duties, several of whom died within a few days thereafter; and the number in the hospital continued to increase, until 60 were confined at one time, and under treatment of the physician. I was obliged to use the chapel for hospital purposes, which is not a secure place. The scurvy was prevalent, in a malignant form, when I took possession. At this time the prisoners are remarkably healthy, there being but two confined in the hospital.

“I hope the General Assembly will examine carefully the hospital, and all parts of the prison, allowing the committees to take such persons with.

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them as may be deemed advisable. The members of the Legislature, and their friends, are respectfully invited to visit the prison at all times.

"Such being the condition of the hospital, cells, and entire prison, when I entered upon the duties of my office, I had supposed that I could not, in reason and justice, be held responsible for what I could not in any manner avoid, without an expenditure of my own means, which I was not bound to make. I have felt, all the time, an anxious solicitude that the defects herein set forth should be remedied, and have done all that was in my power to do. I have guarded against the accumulation of filth, and have had the cells whitewashed, and have kept them all clean. In this condition of things I was amazed to learn that the grand jury of Franklin county, at their last April term, had indicted me. I immediately demanded a trial, which was granted, and I was promptly acquitted by the petit jury. I supposed that this was an end of the matter; but the last grand jury again indicted me for those cells and want of bedding, and I was unable to procure a trial. I trust that the Legislature will adjust this matter in such a way that I may be no longer subject to this annoyance.

"All of which I respectfully submit.

"January 2, 1856.

"ZEB. WARD,
Keeper Kentucky Penitentiary."

CLERK'S REPORT.

"OFFICE KENTUCKY PENITENTIARY, }
"Frankfort, January 1, 1856. }

"SIR: Herewith you will find the usual information from my department to accompany your report to the Legislature. Exhibits A, B, and C present, at one view, condensed statements of the entire business transactions of the prison for the last nine months. Exhibit A presents the expense and sales accounts in detail form. The balance of net profit, as ascertained from these accounts, is \$6,103 01. Exhibit C, showing the resources and liabilities, is made out from a general balance sheet of the ledger. This also gives \$6,103 01 as the net profit. These different statements, producing the same result, is evidence of the correctness of that result, and of the two statements in other particulars.

"On the 1st March last an entire new set of books were opened, and having had previous experience in keeping the prison accounts, the clerk was enabled, as is thought, to make several improvements in the books. It is believed the prison accounts were never kept in a more methodical and intelligible form; and for this desirable result, the keeper is entitled to a share of the credit.

"The law opens the books and papers of the clerk to the inspection of committees and members of the General Assembly. As other persons have taken it upon themselves lately to make a partial examination of the

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clerk's books, and a report having been made by them to the prejudice of the clerk, and well calculated to arouse public fears on the subject of the prison accounts, it is hoped the individual members, and particularly the Committee on the Penitentiary, will give the books and papers of the prison as thorough an examination as possible. It will afford me pleasure to exhibit the books and papers of my office, together with the details of calculations on which my financial report is based, to all who may desire to see them.

"The usual statistics of the prisoners now in confinement, follows the financial report.

Yours, truly,

"S. I. M. MAJOR, Clerk Ky. Penit'y.

"ZEB WARD, Esq., Agent and Keeper Ky. Penit'y.

(A.)

Penitentiary account, showing the whole receipts and expenditures of the prison, from 1st March, 1855, to 1st December, 1855, viz:

DEBITS.

For salaries: Pay of officers, physicians, and guards, to 1st December, 1855.....	\$4,181 42
For provisions: For victualing prisoners, to 1st December, 1855	4,574 21
For clothing: Clothes and bedding for prisoners, (not including shoes,) to 1st December, 1855.....	1,010 02
For medicines: Medicines, extra food, &c., for hospital, to 1st December, 1855....	443 53
For moral and religious instruction: Amount due and paid ministers of the gospel for preaching to the prisoners, to 1st December, 1855	60 00
For water privilege: Tax paid town of Frankfort for use of water for engine, to 1st January, 1856	41 67
For liberation money: Cash paid to prisoners discharged, \$5 each, as required by law, to 1st December, 1855.....	225 00
For rewards: Amount paid for apprehension and delivery of an escaped convict, previous to 1st December, 1855	75 00
For stationery: Paper, &c., for use of clerk, keeper, and prisoners, including post-office stamps, to 1st December, 1855	17 60
For fuel: Wood and coal for engine, smith shops, kitchen, and fires generally, to 1st December, 1855	1,892 39
For lumber: Wagon stuff, chair stuff, coopers' stuff, and plank, to 1st December, 1855	4,810 82
For iron and steel: Iron, steel, brass, copper, and tin, to 1st December, 1855.....	2,376 16
For paints: Paint, varnish, oil, &c., to 1st December, 1855	459 91
For leather: Leather for shoes and harness, together with tools, thread, &c., to 1st December, 1855	1,166 23
For tools: Tools and implements of work bought by present keeper, principally for carpenters, to 1st December, 1855.....	708 59
For freight: Paid railroad and steamboats, to 1st December, 1855	245 07
For appraisement: Raw material on hand 1st March, 1855, appraised to present keeper, and not included in any of the above items.....	3,022 82
For sundries: Items of expense not included under any of above heads, as per account made out to 1st December, 1855.....	774 70
For repairs: Amount paid for shingles, &c., to repair buildings, inside prison walls, to 1st December, 1855.....	1,415 81
For barter, &c.: Amount of expense paid in barter, of which no account was taken, for deductions and corrections in accounts, and for discount, to 1st December, 1855	357 89
Total expenditures for nine months	\$27,858 89
To net profit, viz: Add net profits of the penitentiary for nine months, ending 1st December, 1855	6,103 01
Total to debit of penitentiary, 1st December, 1855.....	\$33,961 90

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CREDITS.

By sales and labor account, viz:

Manufacture of bagging.....	\$14,299 86
Cash sales	1,995 14
Sales of articles on credit.....	9,955 00

Total sales to 1st December, 1855 \$26,250 00

By stock on hand, viz:

Raw material and manufactured articles on hand, as per inventory and estimate of keeper, December 1, 1855	7,711 90
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Total to credit of penitentiary, 1st December, 1855 \$33,961 90

(B.)

A statement of the net expense and net profit of the prison for nine months, ending 1st December, 1855, viz:

Total amount to credit of prison for sales of articles and labor in manufacturing, as per penitentiary account, (exhibit A, above)	\$26,250 00
Take total expenditures also from penitentiary account, as above....	\$27,858 89
Deduct stock on hand, raw material, and manufactured articles, as above	7,711 90
Net expenses for nine months	\$20,146 99
Subtract this from total receipts	<u>20,146 99</u>
Leaves net profit for nine months	<u>\$6,103 01</u>

(C.)

A statement showing the resources and liabilities of the prison, on the 1st day of December, 1855, to-wit:

RESOURCES.

By accounts and notes due prison on the 1st day of December, 1855, as per balance sheet.....	\$5,854 22
By amount of Commonwealth's account on 1st December, 1855.....	187 00
By cash balance in hands of clerk on 1st December, 1855.....	14 95
By stock, raw materials and manufactured articles on hand, as per inventory and estimate of keeper, 1st December, 1855.....	7,711 90
Total resources.....	<u>\$13,766 07</u>

LIABILITIES.

To Z. Ward, balance to credit of account for advances, &c., to 1st December, 1855	\$3,897 58
To sundry persons, balances on settled accounts, as per balance sheet, 1st December, 1855	391 45
To various individuals for accounts unsettled, 1st De- cember, 1855.....	2,524 94
To officers and guards, balances of salary due and un- drawn, 1st December, 1855.....	851 09
Total liabilities.....	<u>\$7,665 06</u>
Deduct	<u>7,665 06</u>
Leaves estimated balance of profit for nine months.....	<u>\$6,103 01</u>

S. I. M. MAJOR, Clerk Ky. Penitentiary.

1855 to 1860—Zeb. Ward, Keeper.

The following tables show the number of prisoners received and discharged from 1st March, 1855, to 1st January, 1856; the present number of convicts, their crimes, sentences, nativity, ages, previous habits, social relations, &c., &c., viz:

Number of prisoners in confinement on 1st March, 1855	193
Received into the prison from 1st day of March, 1855, to 1st January, 1856.....	118

Making.....	311
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The number discharged during the same time is as follows:

By expiration of sentence.....	41
By executive pardon	20
Deaths	13

Making	74
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Leaving in confinement on 1st day of January, 1856.....	237
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CRIMES.

Larceny	72
Horse stealing.....	38
Manslaughter.....	24
Burglary.....	18
Arson	7
Passing counterfeit money	7
Having counterfeit money	10
Assisting slaves to run away	10
Stealing slaves	3
Bigamy	3
Rape.....	2
Intent to kill.....	9
Robbing United States mail.....	3
Forgery	1
Perjury.....	1
Receiving stolen goods.....	3
Emigrating to Kentucky, (free negro).....	1
Highway robbery.....	1
Escaping from prison.....	1
Mayhem.....	2
Felony, (particular crime not stated in transcript of record).....	21

Total	237
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TERM OF SENTENCE.

For 1 year	35
For 2 years	31
For 3 years	21
For 4 years	33
For 5 years	37
For 6 years	7
For 7 years	4
For 8 years	10
For 9 years	3
For 10 years	13
For 15 years	2
For 20 years	1
For 1 year and 6 months.....	6
For 1 year and 11 months.....	1
For 3 years 5½ months.....	1
For 2 years and 9 months.....	1
For 1 year and 8 months.....	1
For 2 years and 6 months.....	5
For 4 years and 6 months.....	3
For 5 years and 6 months.....	2

Amount carried forward.....	232
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1855 to 1860—Zeb. Ward, Keeper.

Amount brought forward	232
For 3 years and 6 months	1
For 5 years and 4 months	1
For life, (negroes)	3
Total	237

NATIVITY.

Kentucky	87
Virginia	19
Tennessee	13
Ohio	13
Pennsylvania	10
New York	18
Massachusetts	4
Indiana	6
Georgia	1
Alabama	1
Maryland	6
Connecticut	1
Vermont	2
North Carolina	4
Mississippi	1
Ireland	29
Germany	13
England	3
Switzerland	1
France	2
Prussia	1
Scotland	1
Canada	1
Mexico	1
Total	237

AGES.

From 15 to 20 years	19
From 20 to 30 years	121
From 30 to 40 years	53
From 40 to 50 years	31
From 50 to 60 years	10
From 60 to 70 years	3
Total	237

EDUCATION.

Superior, or those who have received a classical and scientific education	1
Good, or those who have received a general English education	18
Common, or those who can read, write, and cypher	65
Poor, or those who can only spell and read	87
None, or those who are entirely destitute of education	66
Total	237

PREVIOUS HABITS.

Habitually intemperate	60
Occasionally intemperate	80
Temperate	97
Total	237

SOCIAL RELATIONS.

Single	132
Married	85
Widowers	20
Total	237

1855 to 1860—Zeb. Ward, Keeper.

RACE AND SEX.	
White males	219
Colored males	15
White females	2
Colored females	1
Total	<u>237</u>

S. I. M. MAJOR, *Clerk of Kentucky Penitentiary.*

January 1st, 1856.

PHYSICIAN'S REPORT.

"The undersigned have been the physicians at the Kentucky penitentiary since March, 1855. From that time to the present, three hundred cases have been treated and prescribed for; of these, thirteen have died. There were sixty cases of scurvy alone. For the last three months, and since the disease of scurvy was arrested, the prisoners have been as healthy as could be expected, taking into consideration their number and mode of life, and the condition of their cells.

"The hospital arrangements at the penitentiary do not deserve the name. They are entirely too small, comfortless, and wholly inadequate to the purposes. The hospital apartments ought to be greatly improved; if they are not, the highest medical skill will be no guaranty against a great mortality among the prisoners.

"To promote the health of the prisoners, their cells ought to be enlarged, improved, and well ventilated. The present cells, in which it will be remembered the prisoners spend one half of their time, are narrow and damp, illy ventilated, and, in every respect, calculated to endanger the health of the occupants. Mere humanity dictates that these unfortunate people should be better provided for. The keeper of the prison does every thing he can to relieve the prisoners, by furnishing them extra quantities of bed clothes. The cells are as he found them, and he has no authority to change them.

"The keeper of the prison deserves especial commendation for his kindness, attention, and generous humanity to the sick. He has done every thing in his power to aid the physicians, and the patients themselves. While the scurvy was prevailing among the prisoners, it was absolutely necessary that they should have an esculent diet and use lime juice freely. These articles were costly, but were cheerfully furnished by the keeper, Mr. Ward, by whose prompt humanity in this instance, the lives of at least thirty patients were saved. He has uniformly and cheerfully rendered us every assistance in all our endeavors to relieve the sick and afflicted, and to minister to their wants. But neither the care and skill of the physician, nor the kindness and attentive generosity and humanity of an ever vigilant and energetic keeper, can prevent diseases among the prisoners. The damp cells of the prison, and the miserable hospital, will, while they remain as they are, be as fatal as the meed that of old made

‘death in the pot.’ The Legislature must, as did the Prophet, remove the causes by its benign action. Until the whole arrangement is changed, the physicians’ report will always contain a lamentable account of the condition of these unfortunate people, that interest, nature, and humanity demand should be better provided for. The Legislature can cure all this, in a great measure, by their action in removing the great causes of ‘death in the’ prison.

“All which is respectfully submitted.

“PHYTHIAN & WATSON, *Physicians*.

“FRANKFORT, KY., January 2, 1856.”

Extract from Gov. Morehead's Message, 1855-6.

“The law contemplates the confinement of the prisoners in solitary cells by night; yet, on examination, it will be found that there are not more than 126 cells which can be safely used. These cells are damp and unhealthy, and altogether unworthy of the spirit of the age. The hospital is confined, close, without the possibility of fresh air, and wholly unfit for the purpose. No bedding, more than blankets, has ever been supplied since it has been a prison. The present energetic and efficient keeper complained of this almost as soon as he came into office; but the commissioners of the sinking fund did not think that they had the power to remedy the oversight of the past Legislature, and declined to make provision for such bedding as seemed to be demanded by the public sentiment of the country.

“It will be your duty to take such action on this whole subject as in your wisdom you may deem right and proper. It is well worthy of your serious investigation, whether the partnership feature in the lease between the State and the keeper may not be abolished with advantage to the Commonwealth. It involves a long and complicated and difficult settlement at the end of each keeper’s term, and what has been an apparent profit to the State, usually dwindles to about the amount guaranteed by the contract. I am inclined to think, if a reasonable sum were agreed to be paid in gross by the keeper, either annually or semi-annually, he paying all the expenses of the establishment, and holding the prison as it now is, subject to legislative management, it would be altogether preferable to the present system. It will be for you, however, to investigate this subject, and to ascertain what may be done, and to pursue such a course as will be most conducive to the public interest.”

The wretched condition of the cell department attracted the attention of the Legislature immediately after it assembled, and on the 21st day of January, 1856, the following act was passed and approved, providing at once for the wants of the convicts: “That the keeper of the penitentiary be authorized to procure sufficient quantity of bedding as may be necessary for the comfort of the prisoners in that institution.” Blankets, bed-

1855 to 1860—Zeb. Ward, Keeper.

ticking, &c., were procured by the keeper, and the cell department put in as good condition as the circumstances would admit of.

According to the suggestions of the Governor in his annual message, a change was made in the manner of disposing of the institution. A proposition was received from Mr. Ward to take it for six years, at a rent of six thousand dollars per annum, he paying all expenses, and taking all responsibilities upon himself. A bill to that effect was prepared and passed through the lower House by a large majority. In the Senate it met with considerable opposition, and, after lengthy discussions upon the subject, was finally defeated by the casting vote of the Speaker. A bill with full provisions was finally passed, and Mr. W. became the lessee of the institution for three years from the 1st day of March, 1856.

By the provisions of this act the institution went into the absolute control and management of the keeper. The checks and restraints usually thrown around that officer were all now removed, and he had liberty to do as he absolutely pleased. No monarch ever had more unlimited control of his subjects, and no one ever exercised his own will more completely than the keeper of the penitentiary did, from the time the institution passed into his hands under this law, until the end of his term. The Governor, the keeper, and inspectors were all of the same political faith, and all entertained about the same views as to the use to be made of such power. The objects contemplated by the law in the appointment of three inspectors to regulate the conduct of the keeper in the mode of managing the convicts was well conceived, but its execution proved to be as perfect a nullity as ever occurred. The Governor appointed three clever gentlemen to fill the places as inspectors; but it is well known to this community, and to the Reporter, that some of them visited the Treasurer's office to draw their salaries about as often as they visited the penitentiary. The practice of appointing men to fill such offices, simply because they are of the same politics of the Executive, or the particular pets of the keeper, is an outrage upon humanity, and ought not to be sanctioned by the laws of our State. We would not wish to be understood as saying that the gentlemen appointed by the Governor to fill the office of inspectors to the prison were not qualified in some respect to discharge the duties enjoined upon them, but we do say they never did discharge that duty with the faithfulness the law contemplated.

The following is the law leasing the institution to Mr. Ward:

“§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, as follows,* The commissioners of the sinking fund are hereby authorized, for and in behalf of the State of Kentucky, to make a contract with the present keeper of the penitentiary, by which he shall become the lessee of said institution for a term of years, at a fixed and stipulated sum of money, to be paid in annual installments.

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“§ 2. In the event a contract should be made between the commissioners of the sinking fund and the present keeper of the penitentiary, as contemplated by the preceding section, the following stipulations, in substance, shall be incorporated therein as fundamental articles: *First.* The said keeper shall pay into the treasury of this Commonwealth, on or before the first day of April of the present year, the sum of five thousand dollars, in full and in lieu of the State's portion of the net profits of the penitentiary, for the year ending the first of March, 1856. *Second.* The penitentiary, together with all the buildings attached thereto, and all of the machinery, fixtures, and tools, and other things therein, to be leased to the present keeper for the term of three years, commencing the first day of March, 1856, at an annual rent of six thousand dollars, payable at the end of each year, without any abatement or deduction into the treasury to the credit of the sinking fund. *Third.* The buildings, machinery, fixtures, and tools to be kept in good order, and returned in like good order as when received by the present keeper, the 1st of March, 1855, at the end of the three years, when the lease will expire—unavoidable accidents, as respects the buildings and machinery only, excepted. *Fourth.* In the event a fire should occur in said institution, without any fault on the part of the keeper, his assistants or guards, the General Assembly, if in session, if not, the commissioners of the sinking fund, shall cause to be erected as soon as practicable other permanent and suitable buildings, as they may deem for the best interest of the State, not exceeding \$10,000, to be paid for out of any money in the treasury to the credit of the sinking fund. The commissioners of the sinking fund may make such deduction from the rent as they deem just and equitable on account of the loss of the buildings by fire; and their decision in the premises is to be subject to the ratification of the Legislature. The expense of erecting the necessary temporary buildings is to be borne by the lessee, and no allowance is to be made to him therefor. *Fifth.* If, during the existence of the term for which the penitentiary is leased, the commissioners of the sinking fund deem it necessary to cause additional machinery to be erected, the State of Kentucky shall not, under any circumstances, be chargeable with a sum therefor exceeding \$10,000; but the State reserves to itself the right of purchasing from the keeper of the penitentiary any excess of machinery over \$10,000, at a fair cash value, at the termination of the lease. *Sixth.* The bond or bonds that have heretofore been executed for money or property advanced to the present keeper, shall remain in full force; or the commissioners of the sinking fund may, if they deem it proper, require the execution of other bonds, containing appropriate stipulations for the return of the money or property heretofore advanced by the State, at the termination of the three years' lease. *Seventh.* If the rent due at the close of any one year shall remain unpaid for the period of ten days, it shall be the duty of the commissioners of the sinking fund

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to cause a judgment to be rendered against the lessee and his securities at the next, or any succeeding term of the Franklin circuit court, by motion, in the same manner and with like penalties as judgments are now rendered by the existing laws against sheriffs, or other defaulting collectors of the public money. *Eighth.* The said keeper, as lessee as aforesaid, in addition to the sum of six thousand dollars to be paid annually, shall furnish, at his own expense, the necessary guards; feed and clothe the convicts; appoint his own clerk and pay him for his services; furnish all the necessary beds and bedding for the cells; pay the liberation money to the convicts, all necessary bills of physicians, whose duty it shall be to examine into the health and situation of each convict, and report to the Governor whether any convict is engaged at any work which is injurious to his health, if so, the Governor shall cause said convict to be changed to other work; and shall, in all other respects, pay all the necessary expenses in maintaining said institution, and shall save the State harmless from all expense connected with the management of the same, during the existence of the lease. *Ninth.* The Governor shall appoint three inspectors of the penitentiary, who shall hold their offices for two years, unless sooner removed by the Governor. The said inspectors shall have power, and it shall be their duty, from time to time, to examine into all matters connected with the government, discipline, and police of the penitentiary, and make report thereof every three months to the Governor for the time being. The number of visits to be made by some one of said inspectors to the penitentiary each week shall be prescribed by the Governor, or the commissioners of the sinking fund. Each of said inspectors shall receive for his services the sum of one hundred dollars, payable quarterly out of any moneys in the treasury to the credit of the sinking fund. No inspector of the penitentiary shall become personally interested, directly or indirectly, in the profits thereof or in its management. *Tenth.* All laws relating to the penitentiary in conflict with the provisions of this act, and the lease made in virtue thereof, are repealed; and all laws not inconsistent therewith are to remain in full force until changed by a subsequent Legislature; but no laws are to be enacted which may impair, substantially, the rights of the lessee. The Legislature may, however, pass such laws as may be deemed necessary for the welfare and reformation of the convicts. The lease to be made under this act shall supersede the contract under which the present keeper came into office, except that he and his sureties shall remain bound to refund the amount of money and value of the property received by the keeper shortly after he came into office.

“§ 3. Before the contract hereby authorized shall take effect, the lessee shall execute bond with sufficient sureties, conditioned for faithful compliance with the contract and provisions of this act; which bond shall be approved by the Governor.

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“§ 4. That in case of the death of the keeper, the Governor of the State, the Secretary of State, and the Auditor, shall make a contract with some other and suitable person to take charge of the penitentiary according to the provisions of this act, until the ensuing meeting of the General Assembly.

“§ 5. That should the lessee of the penitentiary, under this act, fail or refuse to comply with the obligations imposed upon him by this act, and his contract under it, or should he be guilty of any misfeasance or malfeasance in office, then, and in that event, the Governor shall have full power, and it shall be his duty, to remove him forthwith.

“§ 6. That should the commissioners of the sinking fund lease the penitentiary, and conclude to provide additional machinery at the cost of the State, as provided for in this act, the lessee shall give bond, to be approved by the Governor, that he will return the machinery so erected, in as good order as when erected, except the usual wear and tear; and he shall also pay the State six per cent. per annum for the amount of money expended in erecting such machinery.”

At the same session the Legislature passed an act appropriating \$32,000 to the building of a hospital, the enlarging of the area of the prison, and repairing the old, or building a new cell building. This law was approved 18th March, 1856; and at as early a time in the spring as practicable, the commissioners proceeded to commence the proposed improvements.

An act to provide for the extension of the area of the Penitentiary, and to build a new cell-house and hospital.

“WHEREAS, The intention upon which was based the penitentiary system of this Commonwealth was to restrain and reform that unfortunate class of persons who might be subjected to its discipline; and whereas, the idea of restraint or safe-keeping does not preclude that of some comfort during the periods of rest or of sickness; and whereas, the present hospital and cells of said institution are totally at variance with all notions of comfort and safety, and are believed to be positively detrimental to the maintenance of good health and sound constitutions; and whereas, the present area embraced within the walls of said prison is not sufficient for the present number of prisoners with their prospective increase; therefore,

“§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That in order to afford facilities for the extension of the area of the prison, and to build a new cell-house and hospital, the sum of twenty thousand dollars is hereby appropriated for that purpose, out of any money in the treasury not otherwise appropriated, together with all sums of money to which the State may be entitled from the operations of the institution during the succeeding two years from the passage of this act.

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“§ 2. That in order to insure the economical and judicious use of the above appropriated sums of money for the purposes herein stated, that the Governor, Charles S. Morehead, Dr. W. C. Sneed, A. W. Dudley, and Dr. R. J. Spurr, be, and they are hereby, appointed commissioners, with power to select plans for the proposed improvement, to contract for the erection of the same, and to superintend and direct its construction: *Provided*, That in making a contract for the proposed work they give a sufficient notice of the time of the letting of the work, through the newspapers printed at the seat of government of the State, and that the contract be let to the lowest and best bidder.

“§ 3. That in case of a vacancy occurring from death, resignation, or otherwise in this board of commissioners, the Governor of the Commonwealth be, and he is hereby, empowered to fill the same.

“§ 4. That all acts of this board of commissioners shall require a concurrence of not less than three of its members.—(Approved March 10, 1856.)”

All the important facts connected with the history of the institution for the years 1856–7, will be found in the annual report of the keeper, and the report made to the Legislature by the board of commissioners appointed under the act of the 10th March, 1856, for the purposes stated in that act. The act of 1855–6, in section 9th, provided that, amongst other things, the inspectors report monthly to the Governor the condition of the institution, &c., and the manner in which the convicts were worked, fed, and treated. These reports were not intended to be public, but were made to his Excellency, who held them as private property. As they were not recorded in any public documents, they were not accessible, and hence do not appear in this report. Whether they are on file in the Executive office, and subject to inspection or not, I am unable to say. In all other institutions of the kind the inspectors' reports are published with those of the keeper, and form the most important part of the documents usually furnished relating to the institution. Whether the law was designed to keep the internal policy of the institution a secret, or whether an omission in the framers of it, can now only be a conjecture. It is certainly a matter of great interest to the public to have some means of knowing what system is pursued, and what limits are put upon the power of the keeper over the convicts. It is to be hoped when the next great change is made this will be a fundamental principle of the law, that there shall be a proper system of checks on those who reap the benefit of the institution.

ZEB. WARD'S SECOND ANNUAL REPORT.

“FRANKFORT, KY., December 1, 1857.

“*Gentlemen of the Senate and House of Representatives:*

“The law under which I became keeper of the Kentucky penitentiary made it my duty to report to you the condition, operation, and business of

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the prison ; but, as has been stated by the Governor in his message, there was an act passed at the last session of your honorable body, by which the commissioners of the sinking fund were authorized to lease the prison buildings and fixtures, and all appurtenances thereto, to me at a fixed price, which law has been fully carried into effect ; and it is only necessary, therefore, that I should report to you the condition of the prison, number of prisoners, and the usual facts connected with them ; which, under the former law, it was made the duty of the clerk to do.

► “I am very happy to be able to report to you a better condition of things, and many additional comforts which have been added, by the expenditure of the appropriation which was made for the use of the prison at your last session.

“At the time of my last report you will find that there were 237 prisoners in confinement, and only one hundred and twenty-six cells, and they were in no wise comfortable or safe, and though small, I was necessarily obliged to put two men in a cell ; but now we have 234 convicts, and 252 cells, all of which have iron bedsteads in them, which are attached to the wall by hinges ; a comfortable mattress and plenty of bedding ; the cells are clean and comfortable ; the floor around the cells has been raised up to a level with the sill of the cell doors—say at least one foot—with broken stone, well grouted, and a coat of cement put over the top for a floor, which renders the building perfectly dry and comfortable. There has been ten large windows cut in the outer walls of the cell building, which ventilates the entire building thoroughly. The cells have been covered over head with heavy timbers, in such a manner as to make them entirely safe.

“The building committee have had constructed a new hospital and female prison, which is now nearly completed, which will add more to the comfort of the prison than I can express. The building is sixty-five by forty-five feet, and two stories high.

“The extension of the prison wall, by which the yard is made fully half its former size larger, is a most excellent improvement, and adds to the comfort of every one confined within the walls.

“All of the improvements made by the building committee have been done by me as contractor. As to how well the work is done, I leave for your honorable body to judge.

“I must again remind you of the insufficiency of the workshops and machinery. The buildings are but frail old shells, the floors of which are sunken and uneven ; with but little machinery, and no room to put more. There is now ample room in the yard to build workshops, and with a few thousand dollars judiciously invested in the way of improvements, the entire institution could be put in a condition that would reflect credit to the State ; but as it has been for years past, I am quite sure that there is no man who has any State pride but was obliged to feel ashamed of the entire thing.

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"I have added some machinery, but there is nothing like what should be, to furnish profitable employment to the number of inmates. Were the workshops enlarged, and the machinery increased, profitable employment could be furnished to the inmates, without carrying on the manufacture of hemp to the extent now done, and which I am obliged to do from the fact that there is not room in the shops, nor machinery sufficient to furnish employment for them in any other way.

"There are some other improvements that ought to be made, one of which is indispensable for the health, cleanliness, and comfort of the prison and its inmates—that is, a sewer through the yard, by which the filth necessarily accumulating about such an institution can be carried off. The natural location of the grounds around the prison is such as to make it impossible to get rid of the filth and stagnant water in any other way; and by this mode the entire yard may be kept clean and dry. My experience since keeper shows to me so clearly the necessity of this improvement, that I feel it my imperative duty, as one who has an interest for the future welfare and prosperity of the institution, to call your attention to this matter. I hope the General Assembly will call and examine this subject for themselves. The members of the Legislature and their friends are respectfully invited to visit the prison at all times.

"The annexed tables show the number of convicts received and discharged, their crimes, terms of sentence, counties sent from, place of nativity, ages, education, previous habits, social relations, race and sex.

"The physicians' report is also appended hereto, which I refer to, and make part hereof.

"All of which is respectfully submitted.

"ZEB. WARD, *Keeper and Lessee Kentucky Penitentiary.*"

The following tables show the number of prisoners received and discharged from the 1st day of January, 1856, to the 1st day of December, 1857; the present number of convicts, their crimes, sentences, ages, previous habits, social relations, &c., &c.:

Number of prisoners in confinement on the 1st day of January, 1856, as is shown by last report	237
Received into prison from 1st of January, 1856, to 1st of December, 1857	190
Total	427
The number discharged during the same time is as follows:	
By expiration of sentence	116
By Executive pardon—	
To restore to citizenship	19
Who were sick, and time nearly out	5
Who were females, and time nearly out	4
Who had time to serve	18
	46
Number who have died same time	31
	193
Total number now in confinement	234

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CRIMES.

Larceny.....	50
Horse stealing.....	36
Manslaughter.....	20
Burglary.....	7
Arson.....	4
Passing counterfeit money.....	6
Having counterfeit money.....	4
Assisting slaves to run away.....	10
Stealing slaves.....	2
Bigamy.....	2
Rape.....	2
Intent to kill.....	12
Forgery.....	2
Perjury.....	3
Receiving stolen goods.....	3
Migrating to Kentucky.....	1
Escaping from prison.....	2
Sodomy.....	1
Hog stealing.....	2
Breaking into out-house.....	1
Sheep stealing.....	1
Felony, (particular crime not stated in record).....	59
Robbing United States mail.....	5
Total.....	<u>234</u>

TERM OF SENTENCE.

For 1 year.....	23
For 1 year and 6 months.....	4
For 1 year and 3 months.....	1
For 2 years.....	44
For 2 years and 3 months.....	3
For 3 years.....	20
For 3 years and 6 months.....	1
For 3 years and 5½ months.....	1
For 4 years.....	43
For 4 years and 6 months.....	2
For 5 years.....	43
For 5 years and 4 months.....	1
For 5 years and 6 months.....	1
For 6 years.....	3
For 7 years.....	2
For 8 years.....	10
For 8 years and 8 months.....	1
For 8 years and 6 months.....	1
For 9 years.....	2
For 10 years.....	16
For 11 years.....	2
For 15 years.....	3
For 20 years.....	1
For life.....	6
Total.....	<u>234</u>

NATIVITY.

Kentucky.....	80
Virginia.....	32
Tennessee.....	13
Pennsylvania.....	14
New York.....	12
Ohio.....	12
Massachusetts.....	2
New Jersey.....	3
Amount carried forward.....	<u>168</u>

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Amount brought forward	168
Connecticut.....	2
Indiana.....	3
Alabama	2
Maryland.....	5
Vermont	3
Louisiana.....	1
North Carolina.....	1
Missouri.....	1
South Carolina	2
Mississippi.....	1
Illinois.....	1
Ireland.....	23
Germany	9
Mexico.....	2
England.....	4
France.....	2
Wales.....	1
Canada.....	1
Unknown.....	2
Total	<u>234</u>

AGES.

From 15 to 20 years.....	25
From 20 to 30 years	97
From 30 to 40 years	71
From 40 to 50 years	26
From 50 to 60 years	14
From 60 to 70 years	1
From 70 to 80 years	1
Total.....	<u>234</u>

EDUCATION.

Good, or those who have received a general English education	15
Common, or those who can read, write, and cypher.....	85
Poor, or those who can only spell and read.....	67
None, or those entirely destitute of education.....	67
Total.....	<u>234</u>

PREVIOUS HABITS.

Intemperate.....	135
Temperate.....	99
Total	<u>234</u>

SOCIAL RELATIONS.

Single.....	127
Married	88
Widowers	19
Total	<u>234</u>

RACE AND SEX.

White males.....	208
White females.....	7
Colored males.....	19
Total.....	<u>234</u>

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PHYSICIANS' REPORT.

The undersigned, physicians to the Kentucky penitentiary, submit the following report for the years 1856 and 1857:

The number of cases treated, with the form of disease, and, also, the number of deaths, are hereto attached in paper marked A.

The keeper and lessee of the prison, Mr. Ward, has, by his uniform kindness and attention, aided us in our endeavors to alleviate the sufferings of the unfortunate inmates of the prison.

The number of cases is large, but it must be remembered that, generally, the prisoners received have had their systems impaired by intemperance, syphilitic contamination, and abandoned lives.

PHYTHIAN & WATSON, *Physicians.*

(A.)

Number of cases admitted in the Hospital of Kentucky Penitentiary for 1856 and 1857.

DISEASE.	1856.	1857.
Abcess.....	2	3
Catarrh.....	11	35
Dropsy.....	10	8
Pleurisy.....	5	2
Rheumatism.....	20	11
Ague and fever.....	33	27
Pneumonia.....	15	18
Bronchitis.....	4	3
Stricture.....	2	3
Wounds.....	10	12
Ulcers.....	7	8
Biliary derangement.....	32	9
Hepatic derangement.....	4	13
Cramp cholice.....	12	10
Ophthalmia.....	12	2
Diarrhea.....	51	46
Scrofulous diathesis.....	4	1
Typhoid fever.....	8	2
Congestive chills.....	1	-----
Consumption.....	3	1
Amputation of the arm.....	2	-----
Surfeit.....	1	-----
Flux.....	7	6
Prolapsus ani.....	2	-----
Piles.....	1	3
Fistula.....	2	3
Scurvy.....	2	25
Dysentery.....	27	35
Gastric derangement.....	2	1
Secondary syphilis.....	1	3
Scald.....	1	-----
Palpitation heart.....	3	5
Inflammation cel. tissue.....	2	1
Amenorhea.....	1	8
Neuralgia.....	1	6
Cholera morbus.....	1	3
Sciatica.....	1	-----
Strangury.....	2	-----

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(A.)—Continued.

DISEASE.	1856.	1857.
Tumor.....	1	—
Debility.....	6	6
Asthma.....	4	6
Intermittent fever.....	6	4
Epilepsy.....	2	2
Edeoma.....	9	2
Headache.....	1	—
Apoplexy.....	2	—
Inflammation lungs.....	1	3
Dyspepsia.....	1	3
Spinal disease.....	1	—
Hydrocele.....	2	—
Confinement.....	—	1
Gonorrhea.....	—	2
Sprains.....	—	2
Cataract.....	—	1
Edema.....	—	1
Congestion lungs.....	—	2
Remittent fever.....	—	1
Syncope.....	—	1
Cancer.....	—	1
Broken leg and arm.....	—	1
	341	352

Number of deaths in Hospital of Kentucky Penitentiary in the years 1856 and 1857.

DISEASE.	1856.	1857.
Typhus.....	3	—
Dysentery.....	4	2
Apoplexy.....	2	—
Edema.....	1	—
Inflammation lungs.....	3	—
Flux.....	1	—
Asthma.....	1	1
Pneumonia.....	3	3
Dropsy.....	1	1
Congestion lungs.....	—	2
Consumption.....	—	1
	19	12

RECAPITULATION.

Number of cases for 1856.....	341
Number of deaths for 1856.....	19
Cured.....	322
Number of cases for 1857.....	352
Number of deaths for 1857.....	12
Cured.....	340

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February 6, 1858. "Mr. W. H. Hamilton, from the Committee on the Penitentiary, made the following report, viz:

"The committee having examined carefully the improvements made under an act passed the 10th of March, 1856, consider the improvements and alterations valuable and judicious. The contracts were made on terms highly advantageous to the State, and well adapted to the wants of the institution. The improvements will add greatly to the comfort of the inmates, and renders the institution much more comfortable than heretofore. They are convinced of the necessity of the additional improvements suggested in the report of the commissioners, to-wit: the building of the cross-wall, and the construction of a sewer to the Kentucky river, of sufficient capacity to thoroughly drain the yard of the water, filth, &c., constantly accumulating in it. They further suggest the removal of the smoke-house from its present location to some other part of the yard.

"In case of a deficiency in the appropriation heretofore made, a portion of which remains yet unexpended, to complete the above named additional improvements, the committee recommend that a sufficiency, out of the next year's rent of the institution, be made, subject to the order of the commissioners for that purpose.

"Your committee find, that since the completion of the late alterations in the cell departments, the convicts are kept in separate cells, which are furnished with suitable bedding, and otherwise made altogether more comfortable than at any previous time. The departments are well lighted and ventilated, and nothing now remains wanting to make it all that can be desired. A strict regard is observed to cleanliness, to proper warming at the proper season, and due attention paid to the free circulation of fresh air in the cell department. The hospital, guard-room, and female department, are all judiciously arranged, and well adapted for the purposes for which they are intended. The committee believe these improvements, when completed, will place the institution in a better condition than it was ever before.

"The committee have made diligent inquiries into the mode of management of the institution since it has been under the control of the present keeper. They have had before them several of the officers now employed in the institution, the attending physicians, and also physicians and other persons employed under the late keeper; from those persons the committee learn that the institution is under government similar to that pursued for many years past; but in many particulars it is believed to be better. The convicts appear to be well fed, clothed, and otherwise well treated, according to the testimony before us; they are not over-worked, or *inhumanly* treated in any way.

"The recent improvements in the cell department, and the addition of the large and well arranged hospital recently erected, will contribute greatly to the health and comfort of the sick and infirm.

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“The committee unanimously agree, that the time allowed the convicts for dinner and rest is too short, and would recommend, that instead of half an hour, as now allowed by law, they be allowed one hour at that meal.

“There is a sermon preached to them every Sabbath, by some one of the ministers of the various denominations residing in the city. Before and after the services in the chapel on the Sabbath, the convicts are permitted to mix promiscuously in the yard and shops, and to amuse themselves until night, according to their own peculiar notions and tastes; and we recommend a continuance of the practice.

“In regard to the increased mortality in the institution within the last few years, the committee could not ascertain any satisfactory cause. It was evident to the committee that the diseased inmates did not suffer for skillful medical attention, and that, so far as the hospital department would permit, every comfort was furnished them that was needed.

“The Legislature having passed a law for the future government of the institution, the committee deem it useless to offer any further suggestions touching the management of it during the term of the present keeper.

“On examining the act of the Legislature, approved the 10th March, 1856, appointing commissioners to carry out the provisions of that act, we find that no compensation was made them for their services. The committee have learned that they have given much time and attention to the matter, and in view of the very faithful and advantageous manner in which they have had work executed, would advise a liberal compensation for their services.

W. H. HAMILTON,

“Chairman of the House Committee on the Penitentiary.”

January 16, 1858. The following report of the commissioners for the extension of the State prison was laid before the Senate:

“Under an act of the Legislature, approved the 10th of March, 1856, making an appropriation for, and authorizing an extension of the area of the State prison, building new cell-house and hospital, the board was formed, and entered at once upon the duties required of them. Their first act was to examine with care the interior and exterior grounds of the prison, as well as those immediately adjoining the same. In this survey they found it would be necessary to purchase a part of a street and two lots, in order to get the ground required for such an extension as they deemed sufficient.

“They accordingly purchased the street from the city of Frankfort, and the two lots from private individuals, the whole cost being \$3,700. Plans and specifications for new cell buildings, hospital, and outer wall were solicited from competent and experienced architects of various parts of the Union—a printed circular, containing the acts of the Legislature, having been sent them for the purpose of showing what the State wished to accomplish. Plans were received, but it was soon apparent to the com-

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missioners that the \$20,000, with the proceeds of the rent of the institution for two years, were wholly inadequate to the erection of the buildings contemplated by the act of the Legislature. They therefore determined to make the improvements come within the appropriation, at the same time having regard to durability, permanency, and economy.

"Sealed bids, for the construction of the work, were called for by advertisements in the papers published in this city, dividing the work to be done into five parts, to induce competition between bidders, and afford an opportunity for all to come in who chose. The bids, at the appointed time, were opened, and duly considered. Zeb. Ward being 'the lowest and best bidder,' the whole work, as proposed, was given to him at the sum of \$20,500. In this bid Mr. Ward agreed to take the old wall at \$500, and to remove all rubbish, &c., after its removal, thus reducing his bid to the round sum of \$20,000.

"The commissioners believe that they have accomplished all they designed in the erection of the outer wall. For strength and superior workmanship it surpasses any other portion of the old wall, and may be regarded as far superior to any work ever yet done about the prison. Its length is 1,125 feet long, about twenty-one feet high, five feet base, capped with flat stone wide enough to cover the top, all laid in good lime and sand cement.

"In the erection of the hospital elegance of superstructure was not attempted. Our aim was strength, durability, fitness of design for the purposes for which it is intended. It is made of hammered stone, so laid as to form almost a solid rock. It is two stories high, with iron roof, grated doors and windows, having all the advantages of light, ventilation, warmth, and convenience. It is 40 by 60 feet in the clear, and built of the best materials throughout, and done in the most superior order. The lower room is designed for a hospital, to be furnished with 15 iron bedsteads, and every other article necessary for the comfort of the sick or disabled inmates. In the upper story there is a room 40 feet square, to be used as a female prison; adjoining this is another room 40 by 20, designed for the use of the guards, to be connected by doors and gang-ways to the cell buildings.

"Finding the appropriation inadequate to the erection of new cell buildings, our attention was drawn to the expediency of repairing the old cell department. We accordingly had the dirt floor raised near a foot with broken stone, then grouted with lime and covered with cement. This procedure has produced the desired result—the floor being now dry, easily kept clean, and free from the dampness heretofore rendering the apartment so filthy and uncomfortable. The lower tier of cells on each side of the block were found damp and unsuited to the purposes for which they were intended; by removing the old rotten wooden floors, and substituting grouting and cement, they are now rendered both healthy and comfortable.

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The want of light and free ventilation was another desideratum in this department. This has, we believe, been remedied by cutting down, in the outer walls, ten long windows, with glass doors in each, thus affording light and air in warm weather, and keeping the apartments sufficiently warm in the winter. The gang-ways to the cells were found to be too narrow for the safe passing of persons, and were accordingly made wider. The upper tier of cells, on each side, had never been occupied, because of the want of safety in their construction. To remedy this we had the entire block covered on top with oak timbers six inches thick, one and a half inch oak plank nailed transversely across the same, rendering escape in that way difficult, if not impossible.

“We have had placed in each cell an iron bedstead, so constructed that it can be raised and fastened to the side wall, thus adding greatly to the neatness and comfort of the inmate and his apartment. By this arrangement the keeper is enabled to keep each convict to himself, there being ample cell room for the number now in confinement.

“The commissioners believe that these additions and improvements have rendered this department amply comfortable, and sufficient for the health and safety of the inmates now in confinement, and for those who may be committed for several years to come. If additional cell room should be needed at any future time, another tier, containing 84 cells, can, at a comparatively trifling cost, be erected over the present.

“In their investigations into the wants of the institution they felt that a sewer, of sufficient capacity to drain the yard of its accumulated filth, was greatly needed, and they accordingly had a survey and estimates for its construction made; not feeling, however, fully satisfied as to the propriety of using the State's fund in that way, without more direct authority upon the subject, they deferred its erection. They now urge the necessity of its early construction, believing that it will add more to the health, comfort, and decency of the institution than any improvement ever yet made. As a sanitary measure it is of the utmost importance. The filth necessarily and unavoidably accumulating, from the confinement and maintenance of about 250 men, is very great, and when it is remembered that there is not now, nor ever has been, any means of removing this constantly accumulating mass of dead matter, the only wonder is that it has not long since resulted in the most disastrous consequences. The funds which will remain in our hands, after the completion of the improvements now in the course of erection, may be adequate to the building of this sewer. If it is not—and we propose to erect it on the most substantial and economical plan—we suggest that a sufficiency be allowed, out of the next year's rent of the institution, to pay any balance required for its construction.

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“The following sums have been disbursed, by drafts drawn on the treasury, for the use of the prison extension, &c.:

1856.			
Aug.	—.	To N. C. Cook, for plans, specifications, and estimates	\$45 00
Oct.	4.	To Peter Smith, purchase of his residence	2,000 00
Nov.	12.	To J. Dudley, for purchase of his lot	1,200 00
1857.			
March	6.	To Z. Ward, on contract for work	3,333 33
Aug.	4.	To J. S. Evans, for survey, &c., sewer	15 00
		To Z. Ward, on contract	6,000 00
Sept.	15.	To G. W. Gwin, mayor, for part of a street	400 00
Sept.	15.	To C. E. Dollmatch, for laying lines outer wall	5 00
Sept.	15.	To Z. Ward, on contract	2,000 00
Oct.	22.	To R. A. Brawner, for services as superintendent, 6 months	360 00
Nov.	24.	To Z. Ward, on contract	3,500 00
Nov.	24.	To San. Goins, for ditch and culvert	20 00
Dec.	22.	To R. A. Brawner, for chimney, &c.	59 45
		To H. R. Miller, for tin gutter of outer wall	5 00
		To A. H. Rennick, extracts and recording deeds	5 80
1858.			
Jan.	1.	To Z. Ward, on contract	2,000 00
In all			\$20,948 58
There has been paid to Zeb. Ward, in cash			\$16,833 33
Old wall			500 00
Making in all			\$17,333 33

“On the first of March next there will be due to him the balance on his contract of \$3,166 67; also a bill for extra work required to be done, the amount of which is not yet ascertained, though it is not large. There is also due the sum of \$100 to Davis’ heirs, for their interest in the right of a part of the street purchased of the city of Frankfort. There remains several small jobs yet unfinished in the hospital, &c., which are in Ward’s contract. These will doubtless be done by the time the house is fit for use.

“In conclusion we would state, that in order to a complete finish of what we have done, we propose several small additions: 1st. We deem it important to run a cross-wall from the hospital, at the northeast corner, to the new outer wall, in order to separate a yard from the main yard for the use of the female prisoners. 2d. A paved ditch along the south side of the cell buildings, to lead off the waste water from the same. 3d. The removal of the east end wall of the cell buildings, and the extension of the roof, and finishing of that building up to the hospital.

“If we are permitted to express an opinion, we would say that for so large a job, a more substantial, faithful, and honest piece of work, we believe, has never been done for this institution before. For proof of which we most cordially invite your careful and rigid examination.

“All of which is most respectfully submitted.

“C. S. MOREHEAD, Ch’a.
“A. W. DUDLEY,
“R. J. SPURR,
“W. C. SNEED.”

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The act of the Legislature providing for these improvements made no provision for paying the commissioners for their services in getting up plans, making contracts, and superintending the construction of the work. As this labor fell chiefly on two of the commissioners, they felt that they had the right to claim compensation for their services out of this appropriation, and when the work was finished drew the sum of \$1,150 for their services during the two years the work was in progress.

The session of 1857-'8 was the time for another election of keeper to the penitentiary, Mr. Ward's term terminating 1st March, 1859. The August election of 1857 having given the Democratic party a majority on joint ballot in the Legislature, settled at once his chance for re-election. When the Legislature met, the question was to be determined who, amongst the Democratic party, should be the fortunate man to secure the Democratic caucus nomination. A large number of gentlemen aspired to, and were exceedingly anxious to have the place; but the whole matter was settled in a caucus by the party leaders, and Col. J. W. South received the caucus nomination, and, as will be seen by the following proceedings in the Legislature, was elected over Mr. Ward by a strict party vote, the whole Democratic party voting for him, while the opposition voted to a man for Mr. Ward:

"The hour of 12 o'clock having arrived, in obedience to a joint resolution, the House proceeded to the election of a keeper of the penitentiary.

"*Ordered*, That Messrs. Machen and Lindsey inform the Senate that this House is now ready to proceed with said election.

"A message was received from the Senate, announcing that they were ready to proceed with said election.

"Mr. Johnson nominated Mr. Zeb. Ward, as a suitable person to fill the office of keeper of the penitentiary.

"And Mr. Reid nominated Mr. Jeremiah W. South.

"Messrs. Machen and Lindsay were appointed a committee on the part of this House, to act in conjunction with a similar committee from the Senate, to compare the joint vote and report the result.

"After a short time Mr. Machen reported that the joint vote stood thus:

For Mr. J. W. South.....	75
For Mr. Zeb. Ward.....	57

"Mr. J. W. South having received a majority of all the votes given, was declared duly elected keeper of the penitentiary for four years from and after the 1st day of March, 1859."

Mr. Ward continued to manage the institution to the end of his term, (1st March, 1859,) with the same energy, industry, and success, financially, that he did from the commencement. The large contract given him for improvements was executed with promptness, and, as will be seen, added greatly to the comfort and convenience of the internal arrangements of the institution. Of the moral influence exerted over the inmates, it is

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useless to speak, as every thing of the kind was entirely lost sight of. It is true a sermon was preached to them once every Sabbath when a minister could be procured to render such service; but this was done in obedience to law, and not through any feelings of interest or humanity to the convicts. The law requiring the convicts who were unlearned to be taught so many hours on the Sabbath was a dead letter; and, in fact, all the laws in relation to their moral condition were neglected, and only one great idea made prominent, and that was—work.

At the close of his term, he was enabled to retire with an ample fortune, accumulated in four years, variously estimated from fifty to seventy-five thousand dollars.

The following is the law under which Col. South took charge of the penitentiary. It is, in many particulars, the same under which Mr. Ward had it—the chief difference being the amount of rent paid to the State by the present keeper:

“§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky:* That the keeper of the penitentiary shall be elected by the Legislature on joint ballot, and shall hold his office for four years, subject to the liabilities, terms, and conditions, and entitled to the rights, privileges, and advantages as prescribed in this act, to-wit:

“*First.* The commissioners of the sinking fund shall loan to the keeper ten thousand dollars in raw materials (to be received by the State from the outgoing keeper) and in money during his term of office, for which he shall pay to them annually, interest at the rate of six per cent. per annum, until the principal is returned; and for the payment of the principal and interest shall execute bond to said commissioners, with sufficient sureties, to be approved by them.

“*Second.* The keeper shall have the use and control of the penitentiary and all the buildings attached thereto, together with all the machinery, fixtures, tools, and other property of the State therein, and receive and have all the proceeds of the labor of the convicts therein, and all the profits and emoluments from the operations of the penitentiary, and shall be bound to keep in good order all the buildings, machinery, fixtures, tools, and other property, and return all the property so received by him in as good order as when the same shall have been received by him. unavoidable accidents by fire, as respects the buildings and machinery, only excepted.

“*Third.* The keeper shall be bound to pay into the treasury, to the credit of the sinking fund, at the end of each year of his term of office, the sum of twelve thousand dollars.

“*Fourth.* In the event of a fire occurring in the institution, without any fault on the part of the keeper, his assistants, or guards, the General Assembly, if in session, and if not, the commissioners of the sinking fund, shall cause to be erected as soon as practicable, such other permanent and

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suitable buildings as they may deem best for the interest of the State, not exceeding in cost ten thousand dollars, to be paid out of any money in the treasury to the credit of the sinking fund; and the commissioners of the sinking fund shall make such deduction from the annual sum to be paid by the keeper as they may deem equitable and just for the loss of the use of the buildings; and their decision shall be subject to the ratification of the Legislature. The cost of erecting the necessary temporary buildings shall be borne by the keeper, and no allowance is to be made to him therefor.

"Fifth. If, during the term of office of the keeper, the commissioners of the sinking fund shall deem it necessary to cause additional machinery to be erected, the State shall not, under any circumstances, be chargeable with a sum therefor exceeding ten thousand dollars; and the keeper shall give bond, with adequate security, to be approved by the Governor, that he will return the machinery so erected in as good order as when erected, and will pay the State annually six per cent. per annum interest on the amount expended in erecting such machinery. The State reserves to itself the right of purchasing from the keeper of the penitentiary, at the termination of his term of office, at a fair cash value, any machinery which he may erect at his own cost in the penitentiary.

"Sixth. If any of the amounts herein required to be paid by the keeper of the penitentiary shall remain unpaid for ten days after the same shall become due and payable, it shall be the duty of the commissioners of the sinking fund to cause a judgment to be rendered against the keeper and his sureties, at the next or any succeeding term of the Franklin Circuit Court, for the amount so due and unpaid, by motion, in the manner, and with like penalties that judgments are, or shall be rendered against defaulting sheriffs, or other collectors of the public money.

"Seventh. The said keeper, in addition to the payment of said sums of money, shall, at his own expense furnish the necessary guards, feed and clothe the convicts, giving them coffee at least once every day, appoint his own clerk and pay him for his services, furnish all necessary beds and bedding for the cells, pay the liberation money to the convicts, all necessary physicians' bills, and all the necessary expenses in maintaining and carrying on said institution, and save the State harmless of all expense connected with the management of the same during his term of office.

"Eighth. The Governor shall appoint three inspectors of the penitentiary, one of whom shall be a practicing physician, who shall hold their offices for two years, unless sooner removed by the Governor. It shall be the duty of the inspectors to examine into all matters connected with the government, discipline, and police of the penitentiary, and make a report thereof every three months to the Governor. The penitentiary shall be visited at least once each week by two of said inspectors, and as much oftener as shall be prescribed by the Governor or commissioners of the

sinking fund. Each inspector shall receive one hundred dollars per annum for his services, payable out of any money in the treasury to the credit of the sinking fund. No inspector of the penitentiary shall become interested, directly or indirectly, in the profits thereof, or of its management.

"Ninth. The keeper shall employ one or more reputable physicians, whose duty it shall be to examine into the health and situation of each convict, and report to the Governor whether any convict is engaged in any work which is injurious to his health, or whether any convict is kept at work when from disease he is unfit for labor; whereupon it shall be the duty of the Governor to cause said convict to be changed to other work, or relieved from work until said physician shall pronounce his health sufficiently restored for labor. The keeper shall give written information to the Governor of his employment of a physician, and of each change of employment.

"Tenth. If the keeper of the penitentiary fail or refuse to comply with the obligations imposed on him by this act, or shall be guilty of any malfeasance in office, the Governor shall have full power, and it shall be his duty, to remove him forthwith.

"Eleventh. In the event of the death or removal from office of the keeper of the penitentiary, the Governor, Secretary of State, and Auditor shall make a contract with a suitable person to take charge of the penitentiary, according to the provisions of this act, until the next ensuing meeting of the General Assembly, and until a new keeper be elected and qualified.

"Twelfth. Before the penitentiary shall be placed in the charge of the keeper who shall be elected by the Legislature, he shall execute bond with sufficient sureties, to be approved by the Governor, to the Commonwealth, for his faithful performance of the duties of his office and compliance with the provisions of this act.

"Thirteenth. All laws relating to the penitentiary, in conflict with the provisions of this act, are repealed; and all laws not inconsistent with its provisions shall remain in full force, until changed by the Legislature. Nothing herein contained shall prevent the Legislature from passing such laws as may be deemed necessary to the welfare and reformation of the convicts.

"§ 2. The raw materials which may be on hand at the expiration of the keeper's term of office, not exceeding eight thousand dollars in value, and which shall be suitable for the manufactures conducted in the penitentiary, may be received by the State, at a fair wholesale cash valuation, in payment of so much of the loan to said keeper, and shall be delivered to the in-coming keeper at the same valuation, in part of the ten thousand dollars directed to be loaned to him by the first sub-division of section one. The valuation shall be made by three competent and disinterested persons, one selected by the out-going keeper, one by the in-coming keeper, and one by the sinking fund commissioners, who shall be duly

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sworn to discharge their duties fairly and impartially, and to the best of their skill and judgment, before proceeding to make the valuation. Both the out-going and in-coming keepers shall have a right to be present at the valuation. If either keeper fail to select a valuer, the commissioners of the sinking fund shall make the selection in his stead.

“§ 3. In order to determine the condition in which the machinery, fixtures, tools, and other property may be when received, and when returned by the keeper, a valuation of the same, at the commencement and at the termination of the keeper's term of office, shall be made by three skillful and disinterested persons, selected by the commissioners of the sinking fund, who shall be duly sworn to discharge their duties fairly and impartially, and to the best of their skill and judgment, before making the valuation. The out-going and in-coming keeper shall be entitled to be present at the valuation.

“§ 4. The clothing of the convicts, the bed and bedding of the cells, and other necessary furniture of the penitentiary, shall, in like manner, be valued at the commencement and termination of the keeper's term of office, by appraisers appointed by the commissioners of the sinking fund; and the keeper shall be bound to leave, at the termination of his office, an equal value of clothing, beds, and bedding, and other necessary furniture, with that he received at the commencement of his term of office. If there is a deficiency, the keeper shall pay the deficiency in cash. If there is an excess, then the keeper may withdraw the excess, or the commissioners of the sinking fund may allow him a cash credit for the value of such excess. The appraisers shall be sworn, and both keepers shall have the right of being present, as provided in the preceding section.

“§ 5. In the event of the death or removal from office of the keeper, valuations shall be made of all the articles of property named in the three preceding sections, by appraisers appointed by the commissioners of the sinking fund, who shall be sworn as provided in said sections, before making said valuations. The valuations prescribed in this and the preceding sections shall be written out, and the articles so enumerated or described, as to be identified, subscribed by the appraisers, and filed with the commissioners of the sinking fund, and by them preserved.

“§ 6. The provisions of the first section of this act shall not apply to the present keeper and lessee, whose rights, duties, and responsibilities shall be determined by the laws in force before the passage of this act, and the contract of lease entered into between him and the commissioners of the sinking fund. Sections two, three, four, and five shall, so far as their provisions relate to the out-going keeper, apply to him, so far as they shall not be in conflict with the terms of his lease, which terms are not intended to be impaired or violated by any provisions of this act. (Approved February 1, 1858.)”

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The Legislature, at the same session, passed the following law, authorizing additional improvements, which will be found in a report made by the commissioners appointed to superintend their construction:

“§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled ‘An act to provide for the extension of the area of the penitentiary, and to build a new cell and hospital,’ approved March 10, 1856, be, and the same is hereby, so amended as to authorize the commissioners therein named, to build a cross-wall from the northeast end of the new hospital, to the new outer wall of the north end of the prison, of such height and dimensions as they may deem necessary, to separate a yard from the main prison yard for the use of the female prisoners; and that they be further authorized to remove the smoke-house from its present location, to some other part of the yard, where it would less endanger the other buildings in case of fire; and that they be further authorized to have graded and macadamized the one half of so much of Holmes street, in the city of Frankfort, as lies in front of the penitentiary property.

“§ 2. That said commissioners be further authorized to obtain from the mayor and board of councilmen of the city of Frankfort, the right of constructing a sewer from the prison yard, along Mero street, to the Kentucky river, for the purpose of sufficiently draining the prison yard and property; and may, by contract with said city authorities, transfer said sewer to said city, when constructed, upon the condition that said city authorities shall at all times keep that part of the same lying without the prison property in good repair for the use of said property.

“§ 3. That the prisoners now in the State prison, and those that may hereafter come in, be allowed one hour to rest at dinner, instead of half an hour, as now allowed by law; and all laws inconsistent with this act are hereby repealed. This act to take effect from and after the first of March, 1859.

“§ 4. That in contracting for and letting out the work hereby authorized, said commissioners shall be governed by the directions of the act to which this is an amendment; and should the money appropriated by that act be insufficient to pay for the work hereby authorized, such deficiency shall be paid out of the rent of the penitentiary for the ensuing year. (Approved February 17, 1858.)”

When the election of Mr. Ward's successor came up in the Legislature, the great question to be settled was the price to be paid as rent for the institution. Mr. Ward offered to pay twelve thousand dollars per annum rent, and continue under the same law leasing it to him in 1855-'6. Several other gentlemen were willing to pay the same rent and take it under the same law; but the friends of Col. South were unwilling to make the rent exceed eight thousand dollars. A warm contest was had over the

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question for some time, and was finally decided on the terms mentioned. This rent was considered enormously high, but inasmuch as there were several responsible persons willing to pay the rent, the majority in the lower house, the friends of the nominee of the Democratic party, had to yield to the majority in the Senate, who were opposition, and whose consent had to be obtained before the bill could pass that body and become a law.

It was thought, too, by the friends of the newly elected keeper, that the next Legislature would reduce the rent; but it will be seen that no such reduction was made, and the rent still remains at the price fixed in the law of 1857-'8.

Col. South entered upon the duties of keeper on the 1st March, 1859, and has continued the same with all the energy and industry needed for such a highly responsible position. The annual report which follows, and the accompanying documents, will give the necessary information in relation to his first year's transactions, and other matters of interest relating to the institution:

J. W. SOUTH'S FIRST ANNUAL REPORT.

"FRANKFORT, December 5, 1859.

"Gentlemen of the Senate and House of Representatives:

"In compliance with the duty required of me by law, as keeper of the State penitentiary, I beg leave to report to you that since the month of June, the general health of the convicts under my charge in the prison has been good. There is but one in the hospital at this time.

"The sewer authorized by an act of the last session of the General Assembly has been completed up to the east wall of the prison, and but little remains to complete the entire work. The importance of this improvement to the health of the convicts cannot be too highly estimated; but in order to complete the original design, a small appropriation will be necessary, for the purpose of building privies, &c.

"There are only 252 cells, while there are 290 convicts, and probably the number will increase before the next session of the General Assembly. There should be provision made for constructing an additional number of cells, as it is not only unsafe to confine two in a cell, but it is also injurious to their health.

"Much trouble and annoyance has been suffered by the undersigned, in consequence of the manner in which some of the courts have entered up their judgments against certain prisoners, where two or more charges have been tried together before the same jury, or before different juries, at the same term of the court; and convictions being had, the courts have not been particular in observing the law requiring the judgment in the second and subsequent cases to commence at the expiration of the sentence in the first; so that both sentences were being performed at the same

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time. This oversight in the courts has caused litigation by some of the convicts with the keeper, and at one time was the cause of much discontent and insubordination among the convicts generally. It may be that some legislation on this subject would correct the evil.

"You will see by reference to the report of my predecessor, of 1st December, 1857, that the workshops of the prison were then in very bad condition. He says very truly: 'The buildings are but frail old shells, the floors of which are sunken and uneven, with but little machinery, and no room to put more.'

"I have to report these workshops in much worse condition than they were two years ago, and they should be rebuilt and enlarged.

"The manufacture of hemp is one of the most important branches of business of the institution; and without carrying it on a serious drawback on the prosperous management of the institution will occur.

"The hackling shop as at present is not sufficiently ventilated; the dust from the hemp makes it unhealthy for the convicts to be confined closely at this kind of labor long at a time.

"The building for this purpose should be a three story building—the hackling to be done in the third, the spinning in the second, and weaving in the first story. In the third story, with sufficient ventilation, the dust would not interfere with the regular prosecution of the business; and by having the whole business in one building, much labor which is now required in carrying the thread from the spinning to the weaving shops would be saved.

"The prison yard needs grading; the full benefit of the sewer cannot be had without this is done.

"There has been four escaped over the walls of the prison, (three of whom were recaptured,) showing that the safety of the convicts requires that the walls should be built higher.

"These improvements, requiring but an inconsiderable outlay, would add much to the general prosperity of the institution.

"The statistical tables presented herewith will give all the general information in regard to the convicts which it has been customary to report. The general condition of the prison and the inmates can be better judged of by a personal inspection, than by anything I could say in my report. The members of your honorable body are requested to visit the prison and examine its condition.

"I respectfully submit to the General Assembly, that the terms imposed upon me by the act of last session are onerous, and should, in justice to me, be modified. The gentleman who preceded me had the prison at a rent of \$6,000 per annum—nearly all of which was consumed in improvements to the prison. The law under which I am acting imposes upon me \$12,000 per annum rent, with the addition of allowance of coffee to the convicts, and the time for rest at dinner doubled. In consideration of

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these, and other matters not herein enumerated, I ask that the facts may be investigated by a committee, and that a bill be passed which will do justice to both the Commonwealth and myself in the premises.

"The physicians' report is also appended hereto.

"All of which is submitted for your consideration.

"J. W. SOUTH,

"*Keeper and Lessee of the Kentucky Penitentiary.*"

The following tables show the number of prisoners received and discharged from March 1st, 1859, to December 1st, 1859; the present number of convicts, their crimes, sentences, nativity, ages, previous habits, social relations, &c., viz:

Number of prisoners in confinement on the 1st March, 1859	284
Received into the prison from 1st day March, 1859, to 1st December, 1859	127

Making	411
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The number discharged during the same time is as follows:

By expiration of sentence	69
By Executive pardon	31
By deaths	19
By escapes	2
	<u>121</u>

Leaving in confinement on 1st day December, 1859	<u>290</u>
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CRIMES.

Larceny	73
Horse stealing	36
Manslaughter	38
Burglary	12
Arson	5
Passing counterfeit money	4
Having counterfeit money	10
Assisting slaves to run away	7
Stealing slaves	2
Bigamy	2
Rape	3
Intent to kill	3
Robbing United States mail	7
Forgery	4
Perjury	4
Highway robbery	1
Mayhem	1
Sodomy	2
Hog stealing	1
Obtaining goods under false pretences	1
Felony, (particular crime not stated in transcript of record)	74
Total	<u>290</u>

TERM OF SENTENCE.

For 1 year	41
For 2 years	45
For 3 years	35
For 4 years	46
For 5 years	48
For 6 years	11
For 7 years	6
For 8 years	7
For 9 years	1

Amount carried forward	240
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Amount brought forward	240
For 10 years	17
For 12 years	2
For 15 years	2
For 20 years	2
For 1 year and 6 months	5
For 2 years and 6 months	5
For 1 year and 10 months	1
For 3 years and 6 months	4
For 4 years and 6 months	1
For 4 years and 8 months	1
For 5 years and 6 months	1
For 6 years and 6 months	1
For 8 years and 8 months	1
For life	7
Total	290

NATIVITY.

Kentucky	113
Virginia	17
Pennsylvania	16
New York	12
Tennessee	16
Ohio	15
Massachusetts	6
Louisiana	3
Indiana	8
Alabama	5
North Carolina	3
South Carolina	3
Maryland	5
Missouri	1
Vermont	4
Illinois	1
Mississippi	1
Mexico	2
Scotland	4
Germany	18
Ireland	24
England	3
Italy	1
Canada	3
France	3
Switzerland	1
Born at sea	1
Unknown	1
Total	290

AGES.

From 15 to 20 years	56
From 20 to 30 years	145
From 30 to 40 years	58
From 40 to 50 years	24
From 50 to 60 years	4
From 60 to 70 years	3
Total	290

EDUCATION.

Good, or those who have received a general English education	24
Common, or those who can read, write, and cypher	113
Poor, or those who can only spell and read	68
None, or those who are entirely destitute of education	85
Total	290

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PREVIOUS HABITS.

Habitually intemperate.....	77
Occasionally intemperate.....	95
Temperate.....	118
Total	<u>290</u>

SOCIAL RELATIONS.

Married	94
Single.....	172
Widowers	24
Total	<u>290</u>

PREVIOUS OCCUPATION

Coach-maker	1
Blacksmiths	11
Carpenters.....	8
Weaver	1
Coopers	4
Engineers	2
Candle-maker	1
Tobacconists.....	2
Painters	5
Cabinet-makers	2
Moulders.....	3
Saddlers.....	2
Merchant	1
Rope-maker	1
Tinner	1
Cooks.....	2
Millwright.....	1
Bricklayers	3
Physician.....	1
Ship-carpenter	1
Baker	1
Gardener	1
Barbers	3
Printer	1
Druggists.....	2
Hatters.....	2
Book-keeper	1
Gunsmiths.....	2
Harness-makers	2
Chair-maker	1
Turner	1
Plumb-maker	1
Stone cutters	3
Chain-spinners	2
Cigar-makers	2
Tailors.....	2
Daguerrean.....	1
Plasterers.....	2
Shoemakers.....	5
Wagon-maker	1
Tanner.....	1
Broom-maker	1
Butcher	1
Auctioneer.....	1
Laborers	197
Total	<u>290</u>

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RACE AND SEX.	
White males	258
Colored males	22
White females	9
Colored females	1
Total	<u>290</u>

PHYSICIANS' REPORT.

"On the 4th day of March last we entered upon our duties as physicians to the penitentiary, the present keeper having taken charge of the institution on the preceding day. We found the hospital crowded with the sick, every bed in it being occupied, and three of the inmates in a dying condition. Two of these died on that day, but the third lingered until the 13th. The prevailing disease was pneumonia of a typhoid type, and evidently endemic to the institution. By reference to the accompanying tables, it will be seen that an unusual amount of disease prevailed in the institution during the succeeding four months, and that the mortality was large. This mortality was confined chiefly to those who had the prevailing disease, pneumonia, four of whom died in March, three in April, and three in May, and three in June, making in all 13 deaths in four months. The tables show that the other six deaths occurred as follows: from consumption, 2; from dysentery, 2; diarrhea, 1; from inflammation of the stomach and bowels, 1; one of the patients who died from consumption, had the disease when he entered the institution: the other contracted it after his admission, and was the result of chronic pneumonia. One who died of diarrhea, was a broken-down drunkard with diseased liver; one of those who died of dysentery, was a miserable creature whose constitution was entirely destroyed by venereal disease of long standing. The other was a vigorous young man, whose attack continued for over three months before he finally sunk under the disease. The patient who died of inflammation of the stomach and bowels was an old colored woman, the violence of whose attack gave rise to strong suspicions of her having taken an irritant poison; but no positive proof to that effect could be ascertained.

"The tables show that there were 68 cases of pneumonia treated during the prevalence of the endemic, and that the mortality was a fraction over one to every five cases of this form of disease; and of the whole number, including all other diseases, the deaths were one in every 17 and a fraction.

"The violence and great number of cases admitted into the hospital for treatment struck us as being very remarkable, and wholly unaccountable. We learned, however, that the same disease, with nearly as great mortality, had prevailed in the institution for some time previously.

"We think, upon mature reflection, that there were several causes combined, which gave rise to the disease mentioned. It does not come within the scope of this report to discuss at length our views as to these causes; a mere mention of some of them must suffice; and 1st. We would mention

1855 to 1860—J. W. South, Keeper.

the hemp business, as now conducted in the institution, as one of the chief causes. Many of the men are compelled to labor continually on dirt floors, in open sheds, without the means of obtaining fresh air in hot weather, or a comfortable degree of warmth when the weather is damp and inclement. Those who are engaged in weaving and spinning on the upper floors are confined in rooms badly ventilated, and indifferently warmed in cold weather. 2d. The want of proper drainage to the yard has caused the accumulation of a vast amount of decaying matter, well calculated to engender disease of the most violent character. This, we hope, will be thoroughly remedied by the capacious sewer now nearly finished. 3d. There has not been, as we believe, a proper provision made by law for the dieting of the inmates during the prevalence of so formidable a disease for such a length of time. That they have been sufficiently fed, we will not question. There is, however, a wide difference between what is a proper diet while health is good, and no epidemic influence prevailing, and when the constitutions are worn down by incessant toil and miasmatic influences.

“As far as practicable, the above causes were remedied by the present keeper, he having provided milk, vegetables, &c., as soon as they could be had, and the institution has been for the last four months very healthy. The number in confinement, and the want of suitable buildings, will render it impracticable to dispense with or to remedy the defects in the rooms now occupied for the various purposes of manufacturing the hemp products. If that branch of business is continued under the present arrangements, disease will return, and the bills of mortality will be continued, but we hope with less violence.

“The hospital and cell departments have been greatly improved within the last two years, and present a striking contrast to that of former years. Whatever may be the future policy of the Legislature in regard to the institution, it ought to be a primary object to prevent, if possible, the fearful mortality which the reports show to have occurred within the last five years. This mortality is unprecedented in the annals of prison discipline in our country, and contrasts unfavorably with the past history of this institution.

“Table No. 1 will show the number of cases treated since our late connection with the institution; and table No. 2 the mortality during the same time.

“The last annual report of the late keeper was made to the Legislature in December, 1857, which report contains the report of the attending physicians to the same date. His term of service expired on the 4th of March last, and hence there was an interval of fifteen months, in which there is no report from the attending physicians. The hospital books show the sanitary condition of the inmates, as exhibited in tables Nos. 3 and 4, during that interval.

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(No. 1.)

Memorandum of cases admitted to Kentucky Penitentiary Hospital from March 1st, 1859, to November 30th, 1859, inclusive.

Catarrh.....	31
Hepatic derangement.....	18
Rheumatism.....	5
Diarrhea.....	10
Pneumonia.....	68
Jaundice.....	1
Dysentery.....	6
Intermittent fever.....	33
Dyspepsia.....	2
Ulcers.....	3
Asthma.....	2
Typhus.....	3
Consumption.....	3
Neuralgia.....	4
Syphilis.....	1
Ophthalmia.....	2
Tonsillitis.....	5
Scorbutus.....	4
Epilepsy.....	1
Lumbago.....	2
Hernia.....	1
Dropsy.....	1
Erysipelas.....	1
Diseased heart.....	1
Not classed.....	131
	339
Deaths.....	19
	320
Discharged.....	320

(No. 2.)

Memorandum of deaths in Kentucky Penitentiary Hospital from March 1st, 1859, to November 30th, 1859, inclusive.

Date.	Names.	Disease.	Work.
1859.			
March 4.....	J. Sparks.....	Pneumonia.....	Spins filling.
March 4.....	J. Summers.....	Pneumonia.....	Spins filling.
March 13.....	J. Johnson.....	Pneumonia.....	Carries tow.
March 27.....	Wm. Fleming.....	Pneumonia.....	Chair shop.
April 17.....	James Lovely.....	Pneumonia.....	Shoe shop.
April 22.....	J. Shea.....	Pneumonia and jaundice.....	Spins chain.
April 27.....	R. Bridgford.....	Pneumonia.....	Spins chain.
May 3.....	P. McNulty.....	Pneumonia.....	Tow house.
May 8.....	Mike Ganning.....	Consumption.....	Paint shop.
May 17.....	Wm. Jones.....	Pneumonia.....	Spins filling.
May 23.....	Mud Payne.....	Pneumonia.....	Spins chain.
June 10.....	Wm. Mullins.....	Pneumonia.....	Spins filling.
June 22.....	G. Scott.....	Dysentery.....	Chair shop.
June 23.....	A. Bruner.....	Typ. pneu.....	Spins filling.
June 25.....	D. Cloyer.....	Pneumonia.....	Spins chain.
Aug. 10.....	T. Jordon.....	Diarrhea.....	Spins filling.
Aug. 25.....	F. Lowe.....	Consumption.....	Carries reels.
Aug. 29.....	Julia Miles, f. w. c.....	Inflam'n stomach, &c.....	Cook.
Nov. 13.....	A. Haley.....	Dysentery.....	Spins filling.

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(No. 3.)

*Memorandum of cases admitted to the Kentucky Penitentiary Hospital from
December 1st, 1857, to February 28th, 1859, inclusive.*

Ammenorrhea	5
Hepatic derangement	34
Catarrh	71
Piles	1
Rheumatism	6
Neuralgia	7
Asthma	18
Intermittent fever	26
Lumbago	9
Dysentery	40
Cholera morbus	14
Gastritis	2
Amputations*	3
Kidney affection	11
Pneumonia	20
Anæmia	8
Diarrhea	61
Cancer	1
Edœma	4
Typhus	9
Chicken pox	1
Pleurodinia	2
Anasarca	1
Fracture	1
Itch	5
Ophthalmia	3
Dyspepsia	11
Consumption	5
Hernia	1
Urticaria	8
Stricture	2
Scald	1
Epilepsy	2
Wounds	16
Syphilis	5
Salivation	1
Gonorrhea	5
Laryngitis	1
Strain	4
Scorbutis	2
Worms	1
Jaundice	1
Onanism	1
Diseased heart	1
Chilblains	1
Quinsy	1
Total	<u>432</u>
Deaths	<u>23</u>
Cases discharged	<u>409</u>

* These were cases in which the convicts cut off their own hands to keep from working at the bagging loom and spinning hemp.

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(No. 4.)

Number of deaths in Kentucky Penitentiary Hospital from December 1st, 1857. to February 28th, 1859, inclusive.

Date.	Names.	Disease.	Work.
1857.			
Dec. 28.....	M. Glenn.....	Consumption	Chair shop.
1858.			
March 29.....	J. W. Redman.....	Chronic diarrhea....	Chair shop.
June 12.....	D. Dulany.....	Pneumonia	Hemp house.
July 12.....	Ellick, f. m. c.....	Diarrhea	Hemp house.
July 16.....	P. Cooper.....	Diarrhea	Laborer.
July 18.....	W. Carter.....	Chronic diarrhea....	Chair shop.
Aug. 1.....	H. Hampton.....	Cholera morbus.....	Chain spinner.
Aug. 5.....	J. Carson.....	Chronic diarrhea....	Chair shop.
Aug. 12.....	J. Corum.....	Typhus	Spins filling.
Aug. 21.....	B. Hignete.....	Pneumonia	Spins filling.
Aug. 25.....	D. Ashur.....	Typhus	Laborer.
Sept. 12.....	A. J. Rogers.....	Diarrhea	Spins filling.
Sept. 22.....	W. S. Martin.....	Typhus	Weaver.
Oct. 1.....	Henry Smith.....	Chronic diarrhea....	Spins filling.
Oct. 4.....	P. McHugh.....	Consumption	Chair shop.
Oct. 13.....	W. Jeter.....	Consumption	Spins filling.
Oct. 21.....	L. Wright.....	Dropsy	Laborer.
Nov. 14.....	J. Deneler.....	Chronic diarrhea....	Tow house.
Dec. 25.....	M. Mann.....	Jaundice	Spins filling.
Dec. 29.....	G. Williams.....	Consumption	Hemp house.
1859.			
Jan. 17.....	W. Rowley.....	Pneumonia	Chain spinner.
Feb. 18.....	T. Hornsby.....	Pneumonia	Hemp house.
Feb. 19.....	A Simpson.....	Quinsy	Spins filling.

RECAPITULATION.

Number of cases admitted.....	432
Deaths.....	23
Number cases discharged.....	409

Memorandum of mortality in the Kentucky Penitentiary from 1st March, 1855, to 1st December, 1859.

From 1st March, 1855, to 1st January, 1856, as per report.....	19
Deaths in 1856, as per report.....	12
Deaths in 1857, as per report.....	19
From 1st December, 1857, to 1st March, 1859.....	23
From 1st March, 1859, to 1st December, 1859.....	19
Whole number in four years and nine months.....	92

Average number in confinement during this time:	
In 1855.....	237
In 1856).....	
In 1857).....	240
In 1858.....	284
In 1859.....	290

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Memorandum of mortality in Kentucky Penitentiary from 1825 to 1855, as per reports of former Keepers.

UNDER JOEL SCOTT.

Year.	Average number in confinement.	Deaths.
1825.....	84.....	1
1826.....	85.....	0
1827.....	84.....	3
1828.....	87.....	0
1829.....	91.....	1
1830.....	103.....	5
1831.....	94.....	0
1832.....	86.....	1
1833.....	71.....	Of cholera.....14
		25

UNDER T. S. THEOBALD.

Year.	Average number in confinement.	Deaths.
1834.....	95.....	4
1836.....	116.....	4
1837.....	107.....	3
1838.....	114.....	2
1839.....	141.....	2
1840.....	157.....	4
1841.....	162.....	3
1842.....	162.....	0
1843.....	163.....	2
1844 1st March.....	166.....	6
		30

UNDER N. CRAIG.

Year.	Average number in confinement.	Deaths.
1845 1st March.....	151.....	0
1846.....	176.....	1
1847.....	157.....	2
1848.....	166.....	3
1849.....	161.....	0
1850.....	141.....	4
1851.....	159.....	Of cholera.....23
1852.....	166.....	1
1853.....	170.....	2
1854.....	185.....	4
1855 1st March.....	190.....	4
		44
In all.....		44
Deduct for cholera.....		23
		21
Leaves of other diseases.....		21

"These tables show an alarming increase in the mortality of the institution, and the absolute necessity of a rigid investigation into its causes.

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If our views are incorrect as to the causes, then we are forced to the conclusion that there are unknown troubles which we have not been able to comprehend.

"Before closing this report, we beg leave to state that there is no regular burying ground belonging to the State, in which to bury the dead of this institution. The keepers have been forced to use the lots east of the prison for that purpose, being the only grounds which could be obtained. These lots are unfit for the purpose, and altogether too close to the institution. We suggest the necessity of a small appropriation to procure a few acres of ground to be used exclusively as a burying ground for such of the convicts as may die hereafter, and to be without the limits of the town.

Respectfully,

"SNEED & RODMAN."

"*January 12, 1860.*—The Speaker laid before the House the report of the commissioners appointed to make additional improvements in and about the penitentiary.

"By an act of the Legislature, approved the 10th of March, 1856, this board was appointed for the purposes stated.

"On the 16th of January, 1858, a report was made to the Legislature, showing the progress of the work which is referred to. By this act, an appropriation of \$20,000 was made, and two years' rent of the prison, being \$12,000—making the total sum of \$32,000. At the date of the above named report, there had been expended, as stated, the sum of \$21,096 58. Upon completion of the work then under contract, the further sum of \$5,848 27 was paid, making the total expended for land, improvements, &c., \$26,944 85—leaving in the State treasury subject to the draft of this board, \$5,848 27.

"On the 17th February, 1858, an 'amended act' was approved, chapter 722, being an amendment to the original act, appropriating the remainder of the \$32,000—being, as stated, \$5,848 27, and the 'succeeding year's rent of the prison'—to making additional improvements therein. This act did not take effect until the 1st of March, 1859. Upon an examination of this amended act, a question arose in the board, whether they were at liberty to draw for the proceeds of the rent payable on the 1st of March, 1859, of \$6,000, or the rent payable the 1st of March, 1860, being \$12,000. A majority of the board were inclined to the latter named sum. As there existed some doubt upon the subject, it was referred to the Attorney General, who gave as his opinion that the first named sum (\$6,000) was contemplated by the act, to which this board submitted. Therefore, the whole amount subject to draft, under this amended act, was \$11,848 27.

"In March last the board advertised in the two papers published in Frankfort, as required by the original act, for bids upon the work contemplated under the amended act, based upon plans and specifications to be submitted.

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"In April last, the bid for the wall to separate the female prisoners' yard was made by Zeb. Ward, at \$500, and a bid from Edmund Burns of \$259 25 for grading and paving Holmes street, in front of the prison property, which were accepted, and the amounts have been paid.

"Early in the season the board employed engineers to make a survey, plans and specifications for the sewer contemplated by the amended act, but being delayed beyond the time of letting, and unsatisfactory, were rejected, and the engineers' services were dispensed with. Finding the work would likely prove a failure, and being impressed with its importance to the sanitary condition of the institution, they employed a draftsman, and devised a plan and specifications which were soon ready for the inspection of bidders, and again advertised in the same papers. The bids were opened on the 23d of May last, and awards made to the following persons, being (in the opinion of the board) the 'lowest and best bidders.' To secure the early completion of the work, and afford fair competition to bidders, it was divided into five sections:

"Section 1 to Brawner & Murray, 198 lineal feet, costing with extras, (the river section,) \$1,072 05. They complied with their contract.

"Section 2 at \$3 15, and section 3 at \$3 35 per lineal foot, to J. Haly, L. Tobin, and E. Burns; total length 1,911 feet, extending from the center of Washington street at the river, to the center of High street at the prison.

"Section 4 to J. W. South and D. M. Bowen, 454 feet, for the gross sum of \$2,716. This section passes through the prison yard, and includes the cost of the privy to be erected. In addition thereto the board contracted with them for the construction of two lateral sewers within the yard, to connect with the main sewer, at a cost of \$225. These laterals are designed to drain the yard, and are of first necessity.

"Section 5 let to Edmund Burns, for ditching through the prison grounds, draining them, and affording a good supply of water for washing the sewer and carrying off the accumulations of stench, at a cost of \$243 60.

"The board of councilmen of the city of Frankfort granted the right of way for the construction of this sewer through Mero street to low water at the river, 'reserving the right, after the sewer was completed, to take control of it, as provided by the second section of said amended act,' and requiring 'that it shall be so constructed as to prevent any impure air or stench from escaping from the matter which may be passing through said sewer.' To guard against this 'impure air, or stench,' to which it is liable, traps or valves have been put into all the street openings.

"The board deem it necessary, as designed, to make the terminus of this sewer into the water, (instead, as they have been forced to do,) at high water at the river, that the impurities may be immediately carried off.

"In putting up this sewer, it was unavoidably necessary to destroy a water cistern belonging to the city. This must be rebuilt at the cost of the State.

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"In the construction of this work the board had in view its value to the institution, its capacity, convenience, and durability. To this end they contracted for none but the best materials and workmanship. None but hard-burnt, cherry-red brick, with water lime and coarse sand made into mortar, were permitted to be used.

"The form of the sewer is tubular in all of its parts, thereby giving it great strength; four by three feet clear diameter, one brick in thickness, laid in stretcher ring bond, with header ties. Man holes are placed along the line over the street entrances, with permanent cast iron coverings.

"At the letting of this work it was ascertained that the amount appropriated, as construed by the Attorney General, was insufficient to complete it, if thus permanently constructed. It was determined to run it from high water at the river throughout its line, to form connections with the eastern and prison drainage, in which success has been obtained so far as that now there is a constant flow of water through its whole length, by which the prison is now reaping a part of its benefits.

"The board believed they could accomplish the work to this point at a cost within the sum appropriated, but have fallen short a small amount. In making this effort, it was determined—

"1st. To suspend the removal of the smoke-house.

"2d. To suspend the erection of the prison privies, at a cost of \$650, (being included in the \$2,716 contract with South & Bowen.)

"3d. To suspend the river terminus from high to low water lines.

"This suspended work is viewed by the board as very necessary to its completion, as required by the amended act. A part of it is indispensable to the success and advantages designed.

"The contractors for section one complied in due time.

"Those for sections two and three failed to comply within the stipulated time; and with regret it is reported, that on section two it required much effort to prevent the use of inferior and rubbish materials being used on the work. To cause the rejection of the bad materials and to secure the fulfillment of the contract, it became necessary to employ an agent to be constantly present while the work was progressing.

"Those for section four have failed to comply in time, being the 1st of December. A few feet remain unfinished, and we suppose it will not be complete before the middle of April, though but a few days' work would complete this section.

"The ditching east of the prison, section five, is nearly complete—delayed by section four being unfinished.

"The board regret the delay of this work by part of the contractors. All undertook to do the work at the same time; liberal advances were made, and all reasonable facilities afforded to aid its rapid progress.

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Amount appropriated.....	\$11,055 15
Amount paid out under "the amended act".....	8,992 46
Leaving undrawn in the treasury.....	\$2,062 69
When the work now under contract is complete, there will be due, including extras, estimated.....	3,200 00
Leaving the deficiency of.....	\$1,137 31
To complete the sewer as now laid out, it will require—	
For the privy, now under suspended contract.....	650 00
To rebuild the city cistern destroyed, estimated.....	125 00
Grading the prison yard, estimated.....	150 00
	<u>\$2,062 31</u>
To complete it as designed by the board, and expected by the city council, it will require the further sum, for 120 feet of sewer between high and low water lines, estimated at \$7 00 per lineal foot, through sand.....	\$240 00
And to rebuild the prison smoke-house, as required by the amended act, estimated at.....	<u>2,400 00</u>

"The advice of this board, if desired, is to progress with the work to completion. It cannot fail to be of great value to the State prison. As to the smoke-house, the one now erected will likely serve the purposes of the institution, if content with the present hazard of fire. The objects of this board have been durability and capacity, connected with good economy, aiming at protection against frost, water, and fire, in all of our work.

"We presume it would be preferred that here our duties should end; if so, receive this as our declension.

"All of which is respectfully reported.

"A. W. DUDLEY,

"W. C. SNEED,

"R. J. SPURR,

"C. S. MOREHEAD,

"Commissioners."

.. Frankfort, January 9, 1860.

Section eighth of the act of 1857-8, like section ninth of the act of 1855-6, required the Governor to appoint three inspectors, whose duty it should be to visit the institution as prescribed in the act, and make reports every three months to the Governor. In this case, as that of the first, the intention of the Legislature was good, but the execution of the law was worse, if possible. Politics again influenced the Executive in filling these offices, and appointments were made of individuals unqualified for the duties contemplated by the law. The good of the State, the interest of the institution, and the welfare of the convicts, were all compromised in order to throw into the pockets of three political favorites the small stipend allowed by the provisions of this act. The office of inspector to the State prison in all the other States of the Union is looked upon as one of philanthropy and benevolence, and is generally conferred upon men of prominence and of marked intelligence, and they are selected on account of those qualifications, and not because of their connection with the dominant political party. No man ought ever to receive such an appointment if the compen-

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sation is the consideration for which he acts; and to confer so responsible an appointment on a political favorite, merely because he is of the political faith of the keeper or the Executive, is a violation of the spirit of the law, and an act of injustice to the unfortunate class of our fellow-beings, whose reformation ought to be a higher consideration than the pecuniary benefit of the keeper. The inspectors should be sworn officers, and should be required to report to the Legislature at each session, and their reports made part of the records of the institution. This section of the law ought to be abolished, or so amended as to change the appointing power from the Executive to the Senate or the whole Legislature.

“The Committee on the Penitentiary made the following report, viz:

“The committee have visited the prison on several occasions during the session, and examined into the condition of the inmates and buildings, fixtures, &c.

“They find that the prisoners are in as good condition as is practicable with the present condition of the workshops, cell building, and prison yard. The workshops are in rather bad condition, and require improvements to be made, to make them suitable for the purposes for which they are used. This is particularly so in regard to the building now used for the manufacture of hemp, which is entirely too small for the number of men employed in that business; besides, it is, on account of its construction, exceedingly unhealthy, the ceiling being too low, and the building badly ventilated.

“It is absolutely necessary to have more cells for the prisoners. There are now only two hundred and fifty-two cells, and about three hundred convicts, and the number is increasing; so that it is impossible for the keeper to confine them at night in separate cells. This deficiency can be remedied by raising the cell-house one story higher, which would give eighty-four additional cells. If this is done, and the cell-house and the other buildings contemplated to be built are made fire-proof, the penitentiary buildings and fixtures will be much more secure than at present.

“It is also necessary that the dining-room should be enlarged, and a new kitchen built. The dining-room is too small for the number of convicts now in the prison, and, as before stated, that number is increasing every year.

“The western workshop needs a new roof and considerable repairs. The floors and walls are in such a condition that the machinery does not work well; and, besides, the building is uncomfortable.

“It would add greatly to the comfort of the inmates, and to their health, to have a heating apparatus to heat the building contemplated for manufacturing hemp, as it would be unsafe to have it heated in the usual way.

“The committee are of opinion that a grave-yard should be purchased for the use of the prison. When a prisoner dies, he is buried in the low

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swampy ground above the prison, which is unsuitable for the purpose. For a small sum, it is believed, a suitable place for a grave-yard can be purchased, where the prisoners can be buried in the future.

“By the report of the building committee to the present session of the General Assembly, it appears that there is a deficiency in the appropriation made by the act of the last session for the purpose of completing the improvements directed to be made by said act, as follows:

Work now under contract.....	\$1,137 31
To complete the sewer, rebuild the city cistern destroyed, and grade and pave the yard	775 00
To rebuild the smoke-house.....	2,400 00
	<u>\$4,312 31</u>

“The committee believe that an appropriation should now be made to supply said deficiency and to make said improvements, except the amount to rebuild a smoke-house, which they believe is not necessary to be done at present.

“The committee have been furnished with estimates of the cost of the improvements proposed to be made, which are as follows:

To build a house, three stories high, in which to manufacture hemp, fire-proof.....	\$28,184 00
To build one story on the cell-house	15,637 00
To make an addition to dining-room and improve the kitchen.....	680 00
To purchase grave-yard.....	800 00
To put new roof on and repair the western workshop.....	2,306 30
To buy a heating apparatus	2,225 75
To grade and pave the prison yard.....	3,254 64
Whole amount necessary to complete buildings and improvements recommended..	\$53,087 69
To which add the amount to supply deficiency and complete improvements heretofore ordered.....	1,912 31
Whole amount of appropriation necessary to be made.....	<u>\$55,000 00</u>

“All of which is respectfully reported.

“W. S. DARNABY, *Chairman.*”

The very liberal views taken by the intelligent Committee on the Penitentiary in their report, induced the Legislature to pass the following acts with appropriations mentioned therein:

“*Be it enacted*, That the sum of forty-nine thousand five hundred and ninety dollars twenty-five cents, be, and the same is hereby, appropriated for the benefit of the penitentiary, to be expended for the following purposes:

1. For the erection of a new hemp-house and workshops, for the manufacture of the same, and heating apparatus for the same, - - - - -	\$25,000 00
2. For repairing and re-roofing the west workshop, - - -	2,306 30
3. For enlarging dining-room and building new kitchen, - -	680 00
4. For raising wall and re-roofing cell-house and constructing 84 additional cells, - - - - -	15,637 00
5. For the purchase of grounds for a grave-yard and inclosing the same, - - - - -	800 00

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6. To supply deficiency in appropriations for work now under contract, - - - - -	\$1,137 31
7. For building privy, now under suspended contract, - -	650 00
8. For rebuilding city cistern destroyed in making sewer, -	125 00
9. For grading and paving yard and constructing water tables leading to sewer, &c., - - - - -	3,254 64

The additional sections of this act required the commissioners to let the work to the lowest and best bidders in sections, according to plans submitted to them, and which they were to decide upon and adopt, having due regard to economy and durability, as well as adaptation of the work to the building. They were in no wise to exceed the appropriations. They were authorized to issue certificates on the Auditor for sums sufficient to pay for the work as it advances, but at no time to pay for work not done, &c. (Approved February 25, 1860.)

An act supplemental to the above act was approved 2d March, 1860, as follows: "That the Governor, B. Magoffin, Dr. Hugh Rodman, Joseph Patterson, and C. Drake, (any three of whom may act,) be, and they are hereby, appointed a board of commissioners to make the improvements directed to be made in the penitentiary by an act," &c., (the above.) This act further provided that the same commissioners might sell or dispose of all lumber, machinery, and materials in the yard, belonging to the State, not needed by the keeper, who was to have credit for all of the same which had been charged to him when he took the institution.

This very liberal appropriation is amply sufficient to put the institution in good condition, and with proper regulations as to its government, it may soon be made one of the most respectable in the Union.

Table showing the cost of Criminal Prosecutions from 1835 to 1860.

For the year ending 10th October, 1836.....	\$15,227 28
For the year ending 10th October, 1837.....	14,966 94
For the year ending 10th October, 1838.....	16,797 87
For the year ending 10th October, 1839.....	18,876 75
For the year ending 10th October, 1840.....	13,843 35
For the year ending 10th October, 1841.....	12,837 56
For the year ending 10th October, 1842.....	14,126 65
For the year ending 10th October, 1843.....	16,798 62
For the year ending 10th October, 1844.....	16,786 95
For the year ending 10th October, 1845.....	15,234 82
For the year ending 10th October, 1846.....	20,107 80
For the year ending 10th October, 1847.....	16,478 89
For the year ending 10th October, 1848.....	15,822 97
For the year ending 10th October, 1849.....	17,626 53
For the year ending 10th October, 1850.....	19,057 00
For the year ending 10th October, 1851.....	24,013 91
For the year ending 10th October, 1852.....	24,002 85
For the year ending 10th October, 1853.....	31,994 51
For the year ending 10th October, 1854.....	29,107 07
For the year ending 10th October, 1855.....	33,670 08
For the year ending 10th October, 1856.....	34,375 90
For the year ending 10th October, 1857.....	33,143 38
For the year ending 10th October, 1858.....	54,448 44
For the year ending 10th October, 1859.....	65,162 04
Whole amount in 45 years.....	873,913 95

1855 to 1860—J. W. South, Keeper.

TABLE showing the number of Convicts received from 1st December, 1853, to 1st December, 1859, the counties sent from, the number each year from each county, and the total for each year.

COUNTIES.	1854.	1855.	1856.	1857.	1858.	1859.	Total.
Adair.....						2	2
Allen.....		1		1	1		3
Anderson.....		1				1	2
Barren.....					1	2	3
Bracken.....			2	1	1	1	5
Ballard.....			1	2			3
Bourbon.....			2		3	1	6
Breckinridge.....				2		1	3
Breathitt.....					1		1
Butler.....		1					1
Boone.....	3		1	1		2	7
Bath.....		1			1	1	3
Bullitt.....						1	1
Christian.....		1		3		1	5
Clarke.....		2	2		1		5
Calloway.....	2				1		3
Caldwell.....	1			1		3	5
Clinton.....	1					1	2
Clay.....	3			1	4		8
Campbell.....		6		6	6	4	22
Carter.....	1				4		5
Cumberland.....			2				2
Casey.....	1				1		2
Daviess.....			1	1			2
Fayette.....	6	7		3	5	3	24
Floyd.....		1		1			2
Franklin.....		2	2		1	4	9
Fleming.....	1				1		2
Fulton.....	2	3	4	4	6	4	23
Greenup.....	2	11		7	5	5	30
Gallatin.....			1				1
Green.....		2		2	3		7
Graves.....			1	1		1	3
Grant.....			1			3	4
Hopkins.....					2	4	6
Harrison.....	2	1	2		2	2	9
Harlan.....				1	2	1	4
Henry.....			1				1
Hancock.....			1				1
Hart.....		1		2		3	6
Hardin.....	1	1					2
Henderson.....		2	1	1	7		11
Hickman.....		1		3	2	3	9
Jefferson.....	27	31	30	28	51	36	203
Jessamine.....		1					1
Johnson.....		2	2	1	1		6
Jackson.....						1	1
Knox.....		1	1	1	1		4
Kenton.....	6	8	14	7	9	6	50
Livingston.....		1	1	1	2	2	7
Laurel.....	2	1	2	1		2	8
Logan.....					1		1
Lewis.....		2					2
Lawrence.....			1			3	4
Lyon.....					1		1
Letcher.....		1	1				2
Larue.....					2		2

1855 to 1860—J. W. South, Keeper.

TABLE—Continued.

COUNTIES.	1854.	1855.	1856.	1857.	1858.	1859.	Total.
McCracken.....	6	2	1	2	11	10	32
Montgomery			2	1	1	1	5
Muhlenburg.....		2		1		1	4
Marshall.....						3	3
Mason.....		3	4	3	1	1	12
Marion.....	1		1				2
Morgan.....				1	3	3	7
Meade.....	1	2		1	1	2	7
Merret.....				1			1
Monroe.....		3					3
Madison.....	1	1				1	3
McLean.....	2				1		3
Nelson.....				1			1
Nicholas.....	1	1	1				3
Oldham.....			2				2
Ohio.....		1	1		1		3
Owsley.....	1	1		1	1		4
Powell.....	1						1
Pulaski.....						2	2
Pendleton.....		3	1		1	3	8
Perry.....					1	2	3
Pike.....	1					1	2
Russell.....	1		2				3
Rockcastle.....					1	1	2
Simpson.....		1			1		2
Scott.....	1	1			1	4	7
Shelby.....	1		1			1	3
Spencer.....						1	1
Trimble.....		1		1		3	5
Trigg.....	1	1		1	2	3	8
Union.....		3				5	8
Washington.....			1				1
Whitley.....					1		1
Warren.....		1					1
Wayne.....	1	1	1	2	1		6
United States Court.....	2	1	3			2	8
Total.....	83	122	104	145	133	174	761
Whole number received to 1st December, 1853, (page 508).....							1,285
Making in 24 years							2,046

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APPENDIX.

After the second chapter of this report had passed through the press, I had the good fortune to find some old Journals in the State Library, which enables me to correct some errors into which I had fallen in relation to that part of the history of the institution running from 1810 to 1815.

The following report will give the date of the taking charge of the institution by Anderson Miller. From the date of his appointment I am inclined to think that I have been misinformed as to the fact that Samuel Taylor was succeeded by John Glover; and I now incline to the belief that Glover never was keeper, but was only agent and assistant keeper.

On the 12th December, 1812, the Speaker laid before the Senate the following report from the keeper of the penitentiary:

"To the Honorable RICHARD HICKMAN, Speaker of the Senate:

"SIR: I deem it a duty I owe to myself, as well as to your honorable body, to make the following statement of facts, relative to the situation of the penitentiary institution at the time I was appointed keeper, and of its progress since. The institution owed, when I came into office on the 1st December, 1810, to iron merchants in Pennsylvania, about \$3,400. These debts had remained a considerable time unpaid, and indeed there remains a balance due on them at this time of about \$1,200; and owing to their not being punctually paid, they refused to credit the institution any farther; however, the agent made out with great exertions to procure about eight tons of nail iron. When I received this iron and commenced cutting nails, I found it impossible to make nails that sell, upon the then establishment of the nail factory; and being well aware that it required considerable capital to carry on that business, and that if the nails were not made of the best quality, it would be impossible to make ready sales, so as to get a quick return of the capital, I consulted with his Excellency, the Governor, who was acting inspector, upon the propriety of procuring some person who was well acquainted with nail-making to assist me in putting that business upon the most advantageous footing. It was his opinion it was essentially necessary. I accordingly procured immediately a first-rate workman; and in order to lessen the expense, I appointed him one of the guard, with a small addition to his pay as guard; he soon set the nailing business upon the best possible footing, so that we were able to make very near double the quantity that could be made upon the old plan, and the

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nails were readily sold; but the misfortune was that I was out of iron in little better than three months, nor have I been furnished with any since. There is now about twelve tons on the way, which we look for hourly; but the misfortune is, that the agent will not be able to meet the engagement he has made for it, owing to the bad success in the collection of debts due the institution.

"It will be recollected, that in addition to the debts due from the institution to iron merchants in Pennsylvania, that a law passed in 1809, which took effect in September, 1810, the provisions of which was, that no more money should be drawn from the treasury for victualing the convicts.

"The consequence has been, that, not being furnished with nail iron for about 18 months past, I have been compelled to turn all the nailers into the stone-yard, and have been making a much larger quantity of stone work than could be possibly disposed of. Whereas, if these hands could have been kept at the nailing business, upon the present establishment, all the nails made could have been readily sold at short credits to the best men in the country for cash; and I have no hesitation in saying, that the time would not have been far distant, when the penitentiary institution would have become a source of considerable revenue instead of an expense to the State. Another most powerful reason why no branch of business ought to be carried on here when the article manufactured would not bear carriage, is, that the country around this place is settled principally by very poor people, and of course a great part of the articles manufactured here must be of such kinds as will bear carriage, to be sold in other markets. Nails is an article that will sell readily here, or bear carriage to almost any part of the State; and I pledge myself that if a capital was once furnished, so that I could carry on that business extensively, that the nails should be of such a quality, and at so low a price, that it would induce purchasers from all parts of the State.

"It is obvious to any reflecting man, that a large number of hands cannot be employed to advantage without capital to commence with.

"I have increased the number of hands at the chair-making business largely since I came into office, and have got that business to such perfection that they are readily sold as fast as they can be made.

"I have the honor to be,

"Your obedient servant,

"ANDERSON MILLER,

"Keeper Kentucky Penitentiary."

Another Journal which I have recently procured contains the following documents in relation to the confinement in the Kentucky penitentiary of a certain number of British officers and soldiers, held as prisoners of war by the United States. Many of the older citizens of Frankfort remember well these British prisoners, and speak in the kindest terms of their conduct while in confinement here. I regret that the documents

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were not inserted in their proper place; but I was unable to procure them in time, and rather than not publish them at all, have introduced them here in this appendix.

Gov. Shelby, in a letter dated 7th December, 1813, and addressed to the General Assembly of Kentucky, in relation to these prisoners, says:

“GENTLEMEN: In consequence of the British government having committed to close confinement forty-six of the American officers and soldiers, now their prisoners of war, the President of the United States has, in retaliation, ordered into similar imprisonment an equal number of their officers and soldiers; and has caused an application to be made to me for permission to confine them in the penitentiary house of this State, as being a building which would afford good and safe accommodations.

“While the generous mind will deeply regret the occasion for such a measure, it will be recollected that it has been forced upon us by the conduct of the enemy, who, during this war, have disregarded the usages of civilized hostility. Kentucky will also recollect that two of her distinguished officers are suffering under the course taken by the enemy; and that they have been detained in captivity, in violation of the plighted faith of a capitulation.

“As the General Assembly is in session, I have thought it proper to submit this subject to their consideration, that they may by a resolution or otherwise give their sanction to the appropriation of suitable apartments for the above purpose.

“I inclose herewith for the information of the General Assembly, an extract from a letter of the Secretary of the Department of State to me on this subject.

“With considerations of respect, &c.,

“I am, gentlemen, your obedient servant,

“ISAAC SHELBY.

“December 7, 1813.”

Extract of a letter from the Secretary of the Department of State to the Governor of Kentucky:

“DEPARTMENT OF STATE, November 27, 1813.

“SIR: The British government seems to have resolved to give to this war every degree of savage barbarity and cruelty which it may be able to inflict. In the close of the last campaign, the British commander at Quebec seized and sent to England twenty-three of our soldiers who had been made prisoners of war, to be tried for treason, on the pretense that they were British subjects. For so unjust and outrageous an act, the President was bound to confine a like number of British soldiers in the United States, which he did in the expectation that the British government, seeing the inevitable consequence of the first measure, would relax from it; or at least leave the affair in the state in which it had thus been placed, for accommodation by treaty. More recently, however, a measure of still

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greater injustice has been adopted. The Prince Regent has ordered into close confinement forty-six officers of the United States, upon the principle, as he says, of retaliation, expecting by the violence of the proceeding to intimidate this government into a submission to the extravagant and unfounded claims of the British government. The President has met this measure with equal decision, by ordering into like confinement forty-six British officers, as a pledge for the safety of those on whom the British government seems disposed to wreak its vengeance.

"These officers are ordered to be conveyed to Frankfort, in Kentucky, to be confined there in the penitentiary of that State; which is represented to be a building affording the two-fold advantages of good and safe accommodations. This step is taken in full confidence that every facility will be afforded to its complete execution by your Excellency, that may be expected from a character so strongly attached to the Union, and decided in the support of all the necessary measures to secure success to the just war in which we are engaged."

LEGISLATIVE PROCEEDINGS ON THE ABOVE.

"*In the Senate.*—*Ordered*, That the said message be laid on the table, and that the public printer be directed to strike one hundred copies thereof as soon as possible, for the use of the Senate.

"*December 8th, 1813.*—A message from the House of Representatives, by Mr. Blackburn.

"Mr. Speaker—The House of Representatives have adopted the following resolutions, viz:

"*In the House of Representatives, December 7th, 1813.*—WHEREAS, The British government has ordered into close confinement certain American officers and soldiers, now their prisoners of war, and the President of the United States has, in retaliation therefor, ordered an equal number of British officers and soldiers to a similar imprisonment; and whereas, he has caused an application to be made to the Governor of this State for permission to confine them in the penitentiary house of this Commonwealth, as being a building which would afford good and safe accommodation. Wherefore,

"*Resolved, by the General Assembly of the Commonwealth of Kentucky*, That the Governor be, and he is hereby, authorized and requested to cause a suitable number of rooms in the building of the penitentiary house of this Commonwealth to be appropriated for the purpose aforesaid.

"Extract, &c.

R. S. TODD, *Clerk House Representatives.*

"In which they request the concurrence of the Senate. And then withdrew. The resolution was then twice read, and unanimously concurred in."

Ordered, That the clerk acquaint the House of Representatives therewith.

How long these officers were kept in the penitentiary does not appear in any documents either in the State library or the prison books. I

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learn from some of the older citizens that they remained until an exchange of prisoners was had between the two countries, the British government releasing the forty-six American prisoners in exchange for those of their own country.

The Reporter has, in the preceding pages, confined himself mainly to the public documents relating to the penitentiary. He has aimed to say nothing in regard to the character and qualifications of the various keepers whose administrations have been recorded, except what he knew of his own personal knowledge, and then only to speak in commendation of their acts. It will be not amiss, he hopes, in the conclusion of this report, to give his views as to what constitutes proper qualifications for the various officers necessarily connected with such an institution. In the reformation of the prisoner, (a subject of primary importance,) and the promotion of his welfare, as well as that of the community, very much depends upon the selection of the agent and keeper and his subordinate officers. All the rules for the government of prisons and the reformation of the convicts, may be rendered inefficient by the incompetency and negligence of the subordinate officers to whom is intrusted the immediate supervision of those placed under their charge.

To secure the services of capable and faithful men is, therefore, an object of such grave importance, that upon it the success of all other plans of reform may be said to depend. To secure the services of such men, the offices must be made respectable, and ought, if possible, to be made permanent in their tenure, and subjected to no political change. If the officers of this institution are to be removed from party considerations, it will be difficult to procure faithful and honest men for the discharge of these duties. The change will be felt in every branch and department of the prison, and the experience of a longer or a shorter time will be lost in the political triumph of one day. The present tendency of things is to remove good and experienced officers to make place for more favored political aspirants; and the institution is to become the engine of political ambition, and the pest-house of moral corruption. The person chosen for the office of agent and keeper ought to be a man of exalted benevolence, undoubted integrity, prompt decision, great firmness, deep penetration, and a quick discerner of the operations of the human heart. He should be himself religious, or friendly to religion—an uncompromising foe to immorality—possessed of a gentle disposition, and kindness that will win the favor and command the respect of the officers and inmates of the prison and the community at large. All the lower officers should be men of the same character, if possible to obtain such. If it shall ever happen that this institution shall fall under the government of wicked, drunken, swearing, and gambling men, not only all attempts at reformation will be defeated, but it will become a perfect pandemonium. They will become the practical enemies of religion; and although they may make a show of

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morality, their hearts will be steeled against every effort at reformation, and will exert such an influence upon the inmates as to drive from their hearts every desire for improvement. Should a convict evince any evidence of repentance and seriousness, such men would only discourage him, and hold him up as a mark of derision to those by whom he is surrounded. Failing in this, they would seek some trifling cause of complaint, and have him punished until his ways and inclinations were changed.

Of the Proceeds of Convict Labor.—In the early history of this institution provision was made for giving to the convict and his family a portion of the proceeds of his labor; and it was an unwise law that altered the regulation. There is now, and has been, too great an estimate set upon money as subserving the public interest. It is disreputable to our Commonwealth that her legislators should now, or at any previous time, have endeavored to enrich the public treasury by the labor of her poor unfortunate convicts. It is our humble conviction that not one cent of their labor should ever go into the public treasury, but that the first should be applied to the payment of the expenses incurred by their trial and their keeping. Such was the original spirit and intention of the penal laws of our State. Whatever is above this should be applied to the improvement of the institution, the moral instruction of the prisoners, and the support of their families or parents. If this plan were adopted, there would be no more large fortunes made for the keepers, and the interest of the public would be as well cared for.

There is another subject of great importance connected with this institution, and the objects for which it was created, and that is, the pardoning power exercised by the Governor. It was not only wise, but humane, in the enacting of our penal laws, that this power was placed where it is; and it is only the abuse of that power of which I propose to speak. Its frequent exercise seems to be almost absolutely necessary in those cases where severe sentences have been pronounced on convicts for minor offenses. Boys have been often sentenced to 4, 5, 6, and even 10 years, for passing a few counterfeit dollars, or for stealing goods not worth more than ten. Whenever the punishment is disproportioned to the crime there is manifest injustice done, and it becomes the duty of the Chief Magistrate to exercise his pardoning power. In the early convictions in this State the previous character of the prisoner, and all the circumstances in his case, were set forth to the keeper of the penitentiary and the Governor. This statement was indorsed by the judges of the court in which he was tried. The practice has long since been discontinued, though the statute still continues, and it is now only through the friends of the unfortunate culprit that the information reaches the Executive, and then it is too often a misrepresentation instead of a proper setting forth of the facts as they actually exist. The tables in this report will show a marked

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disparity in the length of the sentences for the same crime. The courts have possessed discretionary power in such cases, and it is nothing but fair to say that their latitude has been too great. The Reporter believes it would be better to so amend the laws as to make all crimes, except manslaughter, arson, murder, and rape, punishable with confinement in the penitentiary from one to four years, and no pardon to be granted, except upon the recommendation of the court in which the prisoner was tried and convicted, and from evidence of innocence ascertained after the conviction, or from a decline of health by the confinement. Under the present laws, from the time most of the convictions are made, the offender is encouraged to hope for a pardon through the influence of friends or otherwise. His attorney and his friends too often induce in him a belief that his confinement will be brief, and he lingers in confinement with the expectation of being released, until "the hope deferred which maketh the heart sick" gives way to settled despair and gloomy melancholy. Some of the most hopelessly despairing cases which have ever been witnessed by the Reporter, have been of this class. Had such prisoners entered the prison with no prospect of a pardon, no buoyant hopes would have been blasted, no bad passions stirred up, but with a contented spirit he would have waited patiently for the expiration of the sentence which the laws of his country had doomed him to undergo. The pardon of one always produces discontent in others. Too often the innocent victim who has found a felon's cell by being led into error through the seductions of one hardened in crime, is forced to serve out a long and weary sentence, while he who has been the cause of his ruin has, through the influence of friends, or what is often much worse, by the influence which money can purchase, received the Executive pardon and gone forth again to renew his habits of dishonesty and wrong.

There are now many inducements to commit crime, and the reasons are, that there are generally about three chances out of four to escape conviction. If convicted, through the influence of friends and other means, a pardon can be obtained. Short sentences, without the hope of pardon, except for the reason already given, would, we think, lessen the amount of crime in our State. This, it seems, is the only hope for producing reformation in this class of offenders. If all imprisonment is for the punishment of crime, and if punishment is the sole object, then it would be better to return to the whipping-post, the branding irons, and the pillory, as practiced in former times, and abandon our present system. The very name of penitentiary, as given by Blackstone, carries with it the object of its foundation. To accomplish this work there ought to be a moral instructor, who should have the privilege of using the means of grace with the convicts, of preaching to them the gospel, of reading the word of God, of holding with them social prayer meetings, showing them the error of their ways, and, in general, to instill into them the lessons of morality and duty

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to their fellow-men, their country, and their Creator. Until our legislators shall sanction these measures, and the keepers and managers shall heartily endeavor to carry them out, our prison will fail to accomplish the great ends for which it was created.

Under our present regulations there is a heavy barrier in the way to the accomplishment of these ends. The institution is under lease for a heavy stipulated sum, and the keeper can have no other object than to make money. Besides this, there are now few men who believe a convict can be reformed. Without a moral instructor, and without any other adequate means of religious instruction; without a Sabbath school; without any classification among the prisoners, the old and young, the hardened offender and the youth under first sentence for a trifling crime, all working, sleeping, and associating together indiscriminately, especially on the Sabbath, swearing, laughing, and story-telling during the same day among the prisoners; profanity among the guards and visitors, with all the other evils incident to such loose regulations, give but little hope for good in our State prison.

An experience of near twenty years satisfies the Reporter that much of the crime which is punished here is the consequence of neglected home cultivation. The great majority of our prisoners are deficient in intellectual instruction. The tables show a large proportion who can neither read nor write, and who have received but little, if any, moral or religious instruction. Without parental control they have fallen into evil associations, been induced to intemperance, and led on to the commission of crime. With habits of wickedness, and consciences hardened by repeated offenses, they are sent here to be made still more wicked, without a shadow of hope for reformation or amendment. That any should be benefited is not to be hoped for.

It has formed no part of the Reporter's object, in giving the history of our State prison, to deal in harsh censure of the treatment pursued by any of the keepers, nor has he desired to present anything but the facts as they have fallen under his own notice. No positive acts of cruelty have ever fallen under his observation; but it is only just to say that much that he considered evil has occurred within his knowledge, and that if the whole truth is ever told, the story will be one of more sadness than that contained in this report.

He regards any treatment of prisoners, of men, which has for its object imprisonment and reform, and is not based on principles of *kindness*, as worse than useless; indeed, it is a cruelty, a wrong, and a prevention of benefit. A criminal is a *man*, deprived by society of his civil rights, his liberty, but over whose natural rights society can claim no dominion or control. The object of imprisonment is to punish, by example on others, and by direct operation on the individual, and for society, a benefit arising from his situation, by depriving him of his social rights and happiness,

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tasking his labor and industry for the benefit of the community whose laws he has violated; to go beyond this is nothing less than torture. The criminal is deprived of his social and civil rights, which is the penalty of his punishment. The result of this punishment is to benefit the criminal and the community. This is the object of the law. The end and aim of punishment is to reform and make better the convict, that society may reap advantages from its unfortunate citizen, and that wrong-doers may learn that their unlawful acts cannot be committed with impunity, a terror to restrain; not a cruelty in its individual applications. Punishments, in their theory, are greatly misunderstood. It is their consequences that are to be looked to, and not the act itself. It is first to be regarded in its rational and reforming aspects on the convict: and second, as a prevention of crime; it has no other legitimate ends.

By causing him to reflect on his condition—to review his life and conduct—to show him the evil of crime, the disadvantages of evil, the hardships of the transgressor's ways, is what is intended to be accomplished by the discipline of such an institution;—the moral, mental, and social miseries gathering around his days spent in wrong-doing—teaching him to think, to look up and see that he is a man, and that wickedness will only lead to ruin for himself and an injury to society, of which he is a member; and then show him the contrast between a happy day of frugal honesty, compared with the dreadful hours of nights of lawlessness and crime. Let him be reasoned and consoled with—bring him back, if possible, to the standard of integrity, and not debase him below the degree of a felon. Is it not time to retrace our steps in the management of this unfortunate class of our citizens? Shall we continue to cut them off from all aspirations of reform—branding them—paralyzing their efforts to improve, and precluding them from the opportunity of returning to honest life? Such a course forces them to become either convicts or paupers for life; in other words, causing their worse than destruction. Our discipline is only calculated to destroy the soul, deprave the mind, stultify the understanding, deaden the moral character, and turn from our prison door an engine of destruction against man, laws, society, moral government, and God.

In most of the other institutions of the kind in the other States, not only moral instruction is made an important measure, but the younger convicts are taught some trade or mechanical branch of business during the term of their sentence; but here, in our penitentiary, they are put to spinning hemp, and kept at it as long as their physical systems will bear up under so filthy and exhausting a process of labor. The result is, that the boy spends his time without moral improvement, goes out without a trade or occupation, and has gained only in the moral corruption which he has imbibed during the term of his confinement. These facts call loudly for reformation in our penitentiary system, and it is to be hoped the day is not distant when they will be properly looked into and corrected.

PRISONS AND PRISON DISCIPLINE

IN

OTHER STATES OF THE UNION.

The present report would be incomplete did it not contain some facts in relation to other institutions of a similar kind in the other States of our favored confederacy.

The subject of prison discipline and the care of the insane poor began to attract, to an unusual degree, the attention of philanthropists and statesmen, in our country and in Europe, about thirty years ago, and that interest has gradually increased until much good has been accomplished; yet not so much has been accomplished as the subjects deserved. It is now about eighty years since Jno. Howard, the philanthropist, commenced what Mr. Burke styles his "circumnavigation of charity;" and though he did much to awaken public attention to the necessity of a reform in prison discipline, and to establish the fundamental principle on which all improvements in it are founded, namely, "that there is nothing gained by the imprisonment of criminals, unless that imprisonment tend to reformation;" yet he did not live to see his own principles carried into practice, and little improvement was made in relation to the subject till many years after his death. Till within the time mentioned above, the prisons of Europe and America, with few if any exceptions, were schools of the rankest vice and abodes of unmitigated misery, supported at great expense by the public. We will mention, for instance, the old State prison of the city of New York, which cost for its erection and support, from the year 1796 to 1826, inclusive, \$1,237,343 92; but it has since been proved by experiment in many of the States, that a public prison, instead of being a school of vice of great expense to the public, may be rendered a school of reform, and afford a revenue to the State. In the introductory to this report mention was made of the old Walnut street prison in Philadelphia, which, in 1783, contained in a revolting mass of "festering corruption, all the elements of contagion; all *ages*, colors, and *sexes*, forming a loathsome communion of depravity." The State prison in Massachusetts, the Newgate in Connecticut, and the old State prison in the city of New York, at

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a later period, were equally corrupt; but a vast reform has happily been accomplished in each one of them.

"The Philadelphia Society for the alleviation of the miseries of public prisons," was formed, as before mentioned, in the year 1787. This was the parent of all the societies which have since been formed for similar purposes both in Europe and America. "The Prison Discipline Society," at Boston, was organized in 1825. Since its formation it has published many valuable reports, furnishing a mass of facts and statistics, respecting prisons and the various subjects connected with criminal jurisprudence, of greater value than can be found in any other works at present in the English language, (North American Review, 1839.) By correspondence it annually collected all the most important information to be gained on this subject; and by means of its secretary, it visited annually all the prisons in the northern and middle States. With an expenditure of about three thousand dollars per annum it stereotyped its reports, sustained a secretary, and assisted in sustaining chaplains in several State prisons. Besides this, it was enabled, through its publications, to spread before every man in the community the means of forming a judgment on so important a subject, and contributed largely to the reform of the prison discipline in many of the States, among them our own. Nor is this the whole or even half the benefit which was conferred upon the public mind. The public were taught that the treatment of prisoners was a matter into which every virtuous member of society was bound to make inquiry; that the attempt at reformation in criminals was by no means hopeless; and that it was incumbent upon every political society to form for itself a system of criminal jurisprudence, which, by laboring for the reformation of all classes of offenders, should reduce the actual amount of crime within the narrowest possible limits. This society has ceased in a measure to exist, but the good effected by it during its existence is still felt and acknowledged in the improved system of prison discipline in Massachusetts and other eastern States.

At a later period there arose a difference of opinion between the society at Boston and the old Prison Discipline Society of Philadelphia, as to the advantages of erecting and managing prisons upon what was then, and is still known, as the Philadelphia and Auburn systems. The latter is so called because the plan was, in this country, first put in practice in the State prison at Auburn, New York.

According to the Pennsylvania system, each prisoner is lodged in a separate cell of comfortable size, where he remains both day and night during the whole period of his confinement. He is furnished with work at any trade with which he is acquainted; and if he is acquainted with none, he is immediately put upon a course of instruction in one. He is well supplied with food, clothing, and bedding; his cell is kept comfortably warm; and he is always furnished with a Bible, and whatever other proper books

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he may want. In addition to all this, it is the duty of the warden, or a religious teacher, to frequently converse with him on his religious duties, or his duties to God and man; but that no other person shall ever see him or hold intercourse with him. He sees no other prisoner, and is seen by none. This is an outline of the system; but more will be said upon the same subject when speaking upon the system under the head of Pennsylvania.

In the Auburn system, the prisoners are all provided with separate cells, in which they *sleep* and take *their meals*. They are not allowed to speak, or communicate by signs with each other, although they work together during the day, under the care of the keeper. They meet in the chapel in the morning and evening for the daily reading of the Scriptures and for devotion, and spend the Sabbath day either in solitude, in Sabbath schools, in Bible classes, or in the usual services of religious worship. In other words, this system enforces solitude at night, and joint labor by day, yet labor in silence, and without communication; and also allows the convicts to meet together for purposes of religious worship and instruction.

Every system is liable to abuse in the hands of incompetent or unworthy men; and the history of our own institution presents as melancholy a case as could be found on record either in the early or later history of such institutions, in this or any other country.

Nothing can be more evident than that the officers to whom the management of public prisons are intrusted, should be persons of sound judgment, good temper, humane feeling, and moral and religious principle; and with all these good qualities they should be kept ever under the vigilant inspection of a board of able, upright, and honorable men. This board should be selected without regard to politics, and should be composed of men either religious or friendly to religion.

The interest of late years manifested for the condition even of the most wretched members of the human family, is one of the most cheering and encouraging signs of the times. No better test of the true progress of civilization has been made in any age, or in any country, than that of the care which is now given to the unfortunate, the ignorant, and the oppressed, who in former ages were crushed to the earth, or left to perish for the want of protection. History shows that as soon as the nobler part of man's nature begins to be developed, pain is felt at the sight of suffering and misery, and efforts are then made for their relief.

It is not, however, benevolence or religion alone that leads us to care for the unfortunate and the helpless, but self-interest comes in and repeats the command; for we are taught that there can be no real peace, no true social happiness, no lasting prosperity, so long as the just claims of any large class of men to their share in the benefits arising from the social union are despised or neglected. Revolution has followed upon revolution, and will continue to follow so long as one class enjoys the wealth, the

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comforts, and luxuries of life, and leaves others to labor on in ignorance, poverty, and misery. Each society is repeating upon a small scale what humanity has so long been undergoing upon a large one. We have had changes, called revolutions when effected by force—reforms when brought about peaceably, the totality of which has carried us forward in the career of progress, though now and then we seem to have taken a step backward.

Not only the freedom, but the practical equality of men, so far as it regards political rights and social privileges, is becoming less a matter of theory and more a matter of fact. We are beginning to learn that the chief end of man in this state of existence, is the development of all our faculties, capacities, and affections, and the enjoyment of all the objects with which God has stored this beautiful world for the gratification of our natures. Now, so long as there are social or political institutions which prevent great classes of men from enjoying their birthright—the *time* and the *means* necessary for this development of their intellectual, moral, and social capacities—so long will there be antagonism, strife, and war, open or concealed; and so long as these exist, so long must the favored classes suffer with the suffering ones.

An ignorant, drunken, vicious, or suffering class, is a disturbing class—an element in society which will always be a disturbing one, and has no business there; it must be remedied in order to have peace, order, and comfort. Now, as it cannot be removed bodily, as the men and women composing it cannot be put out of the world, the only and the best way of removing the disturbing element is to change them, if possible, into intelligent, virtuous, and enjoying persons; then there will be harmony. This is the intention and aim of all penal and reformatory measures.

“It is curious,” says a distinguished philanthropist of our country, “to observe how the poor come in all times, ‘creeping, creeping every where,’ and demanding of the privileged classes their birthright. Despotism knocks them on the head, fetters their limbs, mows them down by millions, but still they come, ‘creeping, creeping everywhere,’ clinging to, cramping, and finally strangling despotism. Feudalism rides over them, booted and spurred, or shuts itself up in its lordly castle; but still they come, ‘creeping, creeping everywhere,’ over mote and ditch, rampart, wall, and tower, and throttles feudalism itself in the very donjon keep. Constitutionalism throws to them certain sops, charters, written laws, and bids them keep quiet at a distance, but still they come, ‘creeping, creeping everywhere,’ and demanding more. Republicanism gives to them certain privileges—ballot-boxes, juries, and cries ‘peace, be still;’ but still they come, ‘creeping, creeping everywhere,’ and crying for they know not what. Democracy finally throws down all the political barriers, abolishes all legal distinctions, yields the whole field of state, and bids them in God’s name to vote, and vote to their heart’s content, but only to leave Mammon and respectability quiet in their possessions; but still they come, no longer

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creeping, but standing erect, asserting their birthright, rejecting all messes of pottage, and claiming brotherhood."

This principle may be illustrated by the history of any social institution. Take the punishment of crime for instance. Once, whoever offended against the "powers that be" was instantly beaten, branded, maimed, killed, without other warrant than the temper of the tyrant. Little by little it was found necessary to make some show of proof, though it were only the thumb-screw, pincers, or wheel. This would not do very long, and it was found that the man must be tried before even the lord could mutilate or hang him. And then it was found that only his peers could judge of his guilt, and then juries were organized.

The kind of punishment, too, had to be modified; a man must not be drawn and quartered, disemboweled, hung in chains, or even hung by a rope like a dog, but shut up in prison. And then the prison had to be modified. At first they were only receptacles into which could be thrown the nuisances that come between the wind and the noses of nobility, or propriety; common sewers, in which, if only out of sight, the poor and ignorant might breed mutual corruption. This could not be endured, and so prisoners were made cleanly, orderly, and industrious; but still regarded as worthless wretches, to be punished with stripes and privations—blows upon the body and blows upon the soul. But this could not be tolerated, and at last humanity comes, "creeping, creeping, and crying—make your prisons moral hospitals; strive to cure as well as punish our sons and brothers, or your granite and iron shall fare as did the stone walls and steel armor of feudalism."

Strange, how men reading the lessons of the past, can be heedless of the cries and demands of humanity in the present! But so it ever is. Nobility in his saddle, aristocracy in his coach, respectability in his gig, property in his counting room, propriety in his pew, ever have, and still do cry, "peace, be still!" when the poor and lonely strive to struggle up a step higher upon the platform of humanity.

The foremost countries in the world are, however, beginning to heed the warning of the past, and the threatening of the future. Some of the claims of the poorer classes are beginning to be understood and granted, though still too much as boons, rather than rights. The time was when colleges were considered as all that was necessary for national education; the time has come when the common school is considered still more necessary; and the time is at hand when universities for the rich alone shall dwindle into insignificance compared with the vast machinery which shall be put in operation for the education of the poorest citizens. The pay of the dismissed soldier, and the honor now paid to his tawdry tinsel, shall go to encourage and elevate the teacher; and the hulks of navies shall be left to rot that the school-house may be built up and adorned.*

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We did not intend, in this place, to write an essay on the causes of crime, but our investigations have led us into such a train of reading and reflection upon a subject of so much interest and importance, that it is difficult to throw it aside.

We are not of that class of philosophy which teaches that all offenses against human and divine laws are the necessary consequences of vicious organization, which irresistibly impels the offender into crime and sin; but we cannot shut our eyes to the facts that are pressing with increased force every day, and which tend to show that a very large class of criminals are made so by causes altogether beyond their control.

“Quetelet and others have shown, beyond all possibility of doubt, that, certain data being given, such as the religion, the education, the material condition, and the population of a country, the number, and even the kind of crimes that will be committed in a given time, may be calculated with as much certainty as the number of deaths. A farmer who has ten thousand apple trees cannot tell you with half so much certainty the quantity and quality of fruit that they will bear next year, as a statist can tell you the number and kind of crimes that will be committed next year in a community of ten million persons.”

The more closely the great principles which govern the actions of men are studied, the more clearly is it seen that certain social influences produce certain crimes, just as certain atmospheric influences are favorable to certain vegetable products; and that the harvest of crime may be calculated with more certainty than the crop of corn, since the social influences are more appreciable than the atmospheric ones. The statistics of our country show, as do also those of France, that there is a wonderful regularity in the ratio of suicides, lunacies, and crimes against the person; that the years which produce most suicides produce more cases of lunacy, and crimes accompanied with violence, and that the proportion is very exact.

THE PENNSYLVANIA SYSTEM.

EASTERN PENITENTIARY AT PHILADELPHIA.

More than sixty years have passed since the government of Pennsylvania, admonished by the Prison Discipline Society, undertook, in free and candid and patriotic council with that society, the commencement of a reform in the construction and discipline of her prisons. The advantage of the changes then made was speedily recognized, and the jail at Philadelphia, at that time the chief prison of the State, assumed the character of a model, and attracted visitors from all parts of the country. Imperfect as it was, in comparison with later institutions of its kind, the principles which it represented, and the tone and particular objects of the administration maintained in it, could not fail to secure the approbation and hearty interest of all judicious persons who sought the public good.

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The pressure of its population upon the means of custody and good government, caused, as might have been expected in a rapidly growing State, increasing inconveniences, which finally neutralized its original peculiar benefits. The Legislature declared, by the act of 1790, that its policy and design were to secure UNIFORMITY in all her prisons; but no effectual steps were taken by the counties to realize the intentions of the government; and when the leading jail at Philadelphia, which had been made the receptacle of convicts from all the counties, fell into disorder, there arose an urgent need for further legislative interposition. Through the influence of the Prison Discipline Society, the authorities gave an order in 1803, for the erection of the Arch street prison. This, however, was not completed until 1817; and the public wants having, during the interval, necessarily increased, the society used active effort to procure the construction of penitentiaries in different parts of the State, so that the convenience of the interior and western counties might be promoted, and the discipline protected against the constraints by which it had suffered in previous years. In the year 1818 the Legislature passed an act authorizing the erection of the western penitentiary at or near Pittsburg. In the earliest administration of that institution there were some excesses in the use of those general maxims of discipline which the Prison Discipline Society had recommended. The idea of total seclusion without labor was erroneously supposed to have been the original design; but a short experience on the part of the officers, and the influence of those whose share in the introduction of convict separation entitled their conclusions to respectful consideration, secured a return to the legitimate principles of administration. In the eastern part of the State the need of a large penitentiary was brought so clearly to the notice of the Legislature, that, by the act of 1821, the proper authority was granted, and the foundation of the Eastern penitentiary was laid. Six years were employed in preparing this building for occupancy; and the discipline to be enforced within its walls offered a subject of great public interest; a board of commissioners were appointed, in 1826, to consider it on the part of the Legislature, and, with this view, to investigate the various systems of which they could obtain information there and elsewhere. In the following year (1827) the Senate adopted a resolution requiring from the commissioners appointed to superintend the new building, an expression of their opinion upon the discipline most proper to be established in it. Thus there were two boards of commissioners, composed of intelligent citizens, having large experience in relation to the subject, and whose inquiries were stimulated not only by an ordinary sense of duty to the Legislature, but also by the fact that an active controversy was then pending between parties, one of whom contended for the association of prisoners together; the other urged the opinion, which had been so long and constantly maintained by the Prison Society, that separation, as well as labor, was necessary for the ends of

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public justice. The reports of both boards having been made at about the same time, (January, 1828,) they underwent a searching discussion, in which the views of the society were duly represented, as well as those to which they were opposed. Nothing remained to be said of importance on either side, when the Legislature deliberately reaffirmed the policy of SEPARATION AND LABOR; and under the new and peculiarly strong sanction thus obtained, the Eastern penitentiary went into operation in 1829.

Scarcely had this penitentiary become known to the world, when it became an object of extraordinary attention. Special commissioners were sent across the Atlantic ocean to examine its structure and management. The governments of Great Britain, France, Russia, and Belgium followed each other in quick succession in these missions; and the printed official reports which were subsequently issued, accompanied as they were by illustrative drawings, spread throughout Europe the fame of what was then generally regarded as a remarkable example of reform.

The Legislature of Pennsylvania, in its future enactments, continued to adhere to the policy which she had adopted, and made every endeavor to give that policy its full effect.

A comparison of the plans of prisons which existed in Europe previous to and since the completion of the Eastern penitentiary, will find that a considerable revolution was occasioned by that institution in the chief elements of prison architecture.

What were the peculiarities or novelties which were regarded as of so much consequence to the public as to require so long a series of discussions and experiments, and for the introduction of which millions of dollars were freely expended in different countries? In an earnest, simple memorial of the society, addressed to the Legislature in 1788, the whole may be read, in which it was urged that the plan of separation and labor would "more successfully tend to reclaim the unhappy objects, as it might be conducted more steadily and uniformly, the kind and proportion of labor be better adapted to the different abilities of the criminals, and the evils of familiarizing young minds with vicious characters would be removed." It was not mere confinement with labor; for these could be seen all over the world; but it was such an imprisonment as would prevent the inmates of the jails from associating together, and such as would compel them to work for the benefit of that community which they had wronged, and for the improvement of their own habits. These are important points, and should be well borne in mind by all those who are engaged in legislating upon such subjects.

To carry out successfully the plan indicated, certain things were indispensably necessary in the construction of a suitable building. In the first place, due securities for the custody of the inmates will strike every mind. The prisoners are not only to be kept, but to be kept *separately*; the cells to be arranged in the most economical manner in relation both to the

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ground occupied and the cost of building. Due provision to be made for easy supervision of all the cells, and for the readiest access to each and every part, as the safety of the discipline or the wants of the occupants might require; ample precautions for health, such as a full supply of warmth and fresh air; drainage for the cleanliness of the whole establishment is of the greatest importance. All these arrangements must be so made as to prevent improper intercommunication to the prisoners, whether with themselves or with persons outside the walls. The family of the keeper must be decently and comfortably lodged; and rooms and apparatus must be furnished to them for supplying the food and clothing of the prisoners, without exposure to violence, or attempts to escape. In addition to this, the keeper requires one or more apartments for business purposes.*

The Eastern penitentiary, at Philadelphia, combines in an eminent degree the important points above stated. It is built on the radiating plan, and consists of a central building, from which radiate seven wings, or blocks. Three of these wings contain each one hundred cells, the other four one hundred and thirty-six each. The upper story of the last built blocks contains a series of two apartments, opening into one, as a compensation for want of an exercise yard, or access to the wider grounds. A part of the cells on the ground floor are 11 feet 9 inches by 17 feet 6 inches, arched at top, and 16 feet 6 inches to the highest part of the ceiling. In the four last built blocks the cells on the ground floor are nearly 16 feet in length, affording convenient space for the looms and other furniture. These large cells, or more strictly apartments, are well lighted and ventilated. They have a constant supply of pure water, and are furnished with all needed accommodations. In these rooms each prisoner takes his meals.

The description above of the Eastern, is in many respects good as to the Western, and many of the county penitentiaries in Pennsylvania.

MORAL INSTRUCTION.

The Western penitentiary has a chaplain, appointed by law, who has daily access to the apartments of the prisoners, where he not only renders religious instruction at proper times, but devotes himself to teaching the untaught in reading and writing. He distributes books as often as necessary, from the prison library, which is well supplied with religious and miscellaneous books. Religious services are held on Sundays, and great care taken on the part not only of the chaplain, but on that of the warden, to advance the best good of the prisoners. Each cell is furnished with a Bible, prayer book, and hymn book. Here we have illustrated one of the greatest advantages of the separate system, in the greater facilities of teachers for imparting knowledge to the inmates. The time allowed them for this purpose is greater than under other systems; and the dili-

* Report on County Jails, by Wm. Parker Foulk, Philadelphia, 1855.

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gent, who accomplish their tasks early, or timely, have many more hours for self-improvement, which is a stimulant to industry often apparent.

MORAL INSTRUCTOR'S REPORT.

"To the Board of Inspectors:

"GENTLEMEN: There is much in the uniform good order and improvement in wholesome morals which have prevailed in this prison during the past year, that will furnish considerations of gratitude to the Giver of every good and perfect gift. The care that has been expended, under your direction and supervision, in the cultivation of the moral nature and character of the outcast prisoner, has not been without its appropriate fruits. Whilst the law of justice exacted the 'labor' that belongs to the system of *separate confinement*, the law of kindness and mercy, which is the element of excellence in *separation*, ceased not to draw forth all that was susceptible of moral culture in the heart of the unfortunate criminal *laborer*. And it is now our privilege to acknowledge that to God alone, by whom all sincere and permanent reformation is effected, whether in the prison-house or the palace, belongs the praise of whatever good has been accomplished within these walls.

"The past year has been singularly marked by uncomplaining contentedness of mind on the part of the great body of the prisoners. There has been less dissatisfaction with the circumstances of their situation, and far less expression of anxiety to obtain their liberty before the expiration of their sentences than formerly; the effect of which has been, they have performed their prescribed work far more cheerfully, and they have devoted themselves with more zeal and earnestness to mental and moral improvement. The Bible, the only true source of comfort to the miserable, and other good books, have been read by them with more regularity and advantage. They have listened with more undisturbed attention to the teachings which have been given for the advancement and elevation of their character, and they have seemed to think more about the interests which pertain to another and a better life. The general condition, therefore, of moral improvement manifested in the almost universal good conduct and respectful attention of the prisoners to religious instruction, is in this prison at the present time as fair and encouraging as in any preceding year. Individual instances there are, indeed, of professed conversion to God—of men who say they are children of God—redeemed by the blood of the Saviour; it is not, however, upon these alone we base our estimate of the moral character of the prisoners, for the truthfulness of such professions is verified only when they go back into the world, and amidst its temptations retain their religious integrity. The more reliable condition of moral improvement in such a place as this, is rather seen in the unchanging good conduct which secures the approbation of the governing officer of the prison, and in the willing and earnest attention which is everywhere and always yielded to moral and religious instructions. This has been

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the character of the prisoners in this place, in an eminent degree, during the past year.

"The *moral instruction* which it is my duty to communicate, embraces the preaching of the gospel, and personal visitation among the prisoners.

"On each Sabbath throughout the year, and also on the days recommended by the public authorities to be observed in religious exercises, the gospel of our Lord and Saviour has been preached to all the prisoners. This service is always accompanied with singing Divine praise, in which the prisoners generally are heard to join. The glad tidings of salvation have been uniformly heard with respect, and in many cases, it is believed, with spiritual advantage.

"It has been made a general rule to visit in regular course the whole of the prisoners twice in each month—passing from cell to cell, entering each one and conversing with its occupant, as a friend and religious teacher, requires time as well as patience. It is in this way mainly that the poor and degraded convict is made to feel that for him, a returning and sincere penitent, society has kindness and sympathy. In addition to this, I visit each prisoner every two weeks, for the purpose of changing his books received from the library; thus the opportunity is afforded to speak a word with them on the subject-matter of their reading. Besides, all the prisoners who are seriously ill, and such as cannot read, are visited almost daily; each prisoner is also visited when he writes, or has me to write for him, a letter to friend or relation.

"New prisoners are visited with special care and attention, till they become habituated to separate confinement.

"All of these duties I have endeavored conscientiously to perform, relying always and confidently on the Divine blessing to make these means effectual in producing real and abiding reformation.

"The prisoners have been allowed this year, as formerly, to correspond by letter with their friends or relatives. Many of them take great delight in this privilege, and are careful not to forfeit it by bad conduct. It is thus made an auxiliary to the discipline of the prison, helping to preserve good order, and a part, also, of moral education in the prison; for rightly conducted, correspondence with absent and beloved friends makes the heart better.

"Eighty-four prisoners have been received during the year; of these, sixty-nine could read, and forty-nine both read and write, at the time of their reception; of the remaining fifteen all have learned to read with considerable fluency except three—the three make slower progress in learning. Many have learned to write, and have written to their friends since their imprisonment.

"Forty-seven of those received are unmarried, and thirty-seven have families. Sixty-eight of the number received were, by their own confession, addicted to habits of intemperance; sixteen say they were *moderate*

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drinkers; thus proving that crime, which leads to punishment, is almost invariably associated with the *use of intoxicating drinks*. The majority of those who inhabit this prison, in all human probability, would never have been either criminal or convict, had it not been for drunkenness.

"Fifty-four have been discharged by expiration of sentence, and fifteen by pardon. All of these were able to read, and most of them to write, when they left the prison. The majority gave encouraging evidence of their future good conduct. They had all received enough of moral teaching to keep them in the path of rectitude, if they felt disposed to walk in it. Most of them, too, had learned trades, by which they could make for themselves an honest and comfortable living. Letters, some of which the inspectors have seen, have been received from many of them, giving evidence that the lessons they learned in a prison-house are profiting them in the walks of social life. There are, also, living in and about this city, discharged convicts, known to the officers of this prison, who are industrious and honest in their habits of life, and respected members of God's church.

"Seven prisoners died within the year. These were all visited daily during the time of their severe illness. Their attention was often and earnestly directed to Jesus Christ, the only Saviour. Some of them gave evidence of repentance towards God, and faith in our Lord Jesus Christ, and others seemed to die as the fool dieth.

"There are now in this prison four under eighteen years of age—boys they are, more mature in wickedness than in years.

"Each prisoner has in his cell a bible and prayer book, one or more volumes of the books belonging to the library, a slate and arithmetic.

"Amongst these unfortunate, misguided, and erring men, I have labored in kindness and affection to promote the great ends of moral instruction—preached to them the gospel of salvation—visited them day after day in their cells—conversed freely with them on the subjects pertaining to eternal life—where they were ignorant, taught them to read, write, and cypher, and in all this tried, in reliance upon Divine grace, to impress upon their hearts that the acquisition of moral and mental attainments, and the thorough reformation of their character and conduct, will secure for them the friendship and countenance of the good, when they go back to occupy their place again in the world at large.

"The officers of this prison are men who practically exemplify the principles of Christianity in their own lives, and I take pleasure in acknowledging their uniform kindness in affording me every facility in their power in discharging the solemn and responsible duties devolved upon me.

"Respectfully,

A. W. BLACK, *Moral Instructor*."

The Eastern penitentiary, at Philadelphia, has a chaplain also, appointed by law, who first commenced his duties in 1838. Previous to that time, pious clergymen and other religious persons visited the prisoners occasion-

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ally, and several gentlemen devoted part of the Sabbath to religious service. The same practice is still kept up, and the regular chaplain is greatly assisted in his labors in this way. From the documents and reports annually published, and from all other sources of information in relation to the moral instruction of the inmates of this institution, there is ample grounds to believe that the religious and mental training in this institution is more thorough, efficient, and complete than is supplied to the convicts of any prison in the United States. The moral instructor, in his annual report for 1845, says: "It is a peculiar and valuable feature in the criminal system of Pennsylvania, that those who have incurred a comparatively limited degree of moral guilt, are effectually separated from such as are deeply criminal, both in a legal and moral sense. The former, left to his own reflections, desires no companionship with the latter; but the first natural effort of his mind is to recover from his fall; and this effort can be easily assisted by the judicious counsel of the instructor; self-respect can be restored, and forms a good basis on which to correct reform, where higher and holier impulses are wanting. Perhaps it is owing to this that a large class of prisoners convicted of crime against the person, are generally restored to usefulness in society upon leaving this penitentiary, who, if they had been placed at once on a level with the burglar, the forger, and the thief, and exposed to the gaze of the public, would have speedily participated in their character as well as their degradation."

Speaking of the origin and cause of crime, the same officer says: "It has been my custom to investigate, as far as possible, the origin and causes of crime, and the periods of life in which the greatest number yield to temptation; and I have given the results from year to year. I have combined the statement prepared for the last year with those of four years preceding, presenting a view of the statements of 962 prisoners, from whom I have endeavored to elicit information; from it appears there were—

Orphans, having lost both parents in very early life.....	112
Had a father only in early life.....	63
Had a mother only in early life.....	200
Had parents, but were placed from home in early life.....	140
	<hr/>
	515
	<hr/>
Professed to have received religious instruction in early life.....	99
Received none.....	830
Unknown.....	33
	<hr/>
	962
	<hr/>
Attended Sunday schools.....	108
Did not attend Sunday schools.....	812
Unknown.....	42
	<hr/>
	962
	<hr/>

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Manufactured or sold ardent spirits	56
Lived where it was sold	350
	<u>406</u>
Drank to excess	435
Occasionally drunk	310
Temperate	151
Unknown	66
	<u>962</u>

EARLIEST CAUSES OF CRIME.

Intemperance	168
Licentiousness	182
Propensity of covetousness	340
Temptation of evil companions	144
Passion, revenge, &c.	67
Gaming, lotteries, &c.	19
Domestic trouble	2
Pecuniary difficulties	6
Malicious mischief	4
Unknown	40
	<u>962</u>

In the last annual report of the warden to that institution he says: "Assuredly, there can be no similar institution, enjoying a greater number and variety of means for mental and moral improvement, than that of the Eastern penitentiary." Untiring effort on the part of the benevolent members of the Prison Discipline Society, who visit semi-weekly or oftener, furnishing useful books, an ample supply of means and materials adapted to improve the mind, and in various respects alleviating the condition of prisoners when discharged. These, with the faithful exhibition of Divine truth, by ministers of different denominations, kindly aiding the moral instructor on each successive Sabbath; the circulation of bibles, prayer books, tracts, &c., together with a mild and wholesome discipline, seem to embrace all that can readily be conceived of as essential to success in the great experiment of redeeming men from the degrading influence of vice and crime. The present is only the seed time, and it is for all engaged in this truly arduous work to patiently wait and quietly hope for a harvest of cheering results.

MORAL CONDITION OF THE CONVICTS.

Total abstinent	31
Moderate drinkers	276
Occasionally intoxicated	152
Often intoxicated	124
	<u>583</u>

PREDOMINANT PASSIONS.

Acquisitiveness	427
Destructiveness	96
Combativeness	33
Amativeness	27
	<u>583</u>

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PREVALENT VICES.	
Intemperance.....	135
Deceit.....	150
Theft.....	133
Licentiousness.....	38
Rioting.....	43
Jealousy.....	3
Idleness.....	11
Revenge.....	26
Covetousness.....	43
Gaming.....	1
	<u>583</u>

OCCASIONS OF CRIME.	
Propensity to theft.....	240
Evil company.....	118
Intemperance.....	91
Revenge.....	71
Licentiousness.....	37
Destitution.....	11
Rioting.....	8
Covetousness.....	5
Jealousy.....	1
Insanity.....	1
	<u>583</u>

He says further: "That circulation of books from the library amount-
ing to 15,909 volumes, an increase of 2,139 over that of the preceding
year, indicates an increased desire for the pleasure and instruction derived
from this source. It is to be regretted, however, that there are some
minds so debased as to wantonly deface and otherwise injure and destroy
them * * * * *

"In the department of religious instruction I have been aided as usual
by the Philadelphia Bible Society, and by the Female Protestant Episcopal,
and Bishop White Prayer Book Societies. The societies generously respond
to every application for bibles and prayer books, and thus enable me to
supply each prisoner who can read with the abiding means of moral or
spiritual improvement. The blessing to those who sow beside all waters
will be given to them, for if ineffectual to others, it will return into their
own bosoms."

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EDUCATIONAL.

The following tables show the result of the efforts to educate the prisoners in this institution in the last five years :

	Wholly illiterate.	Could read only on admission.	Could read and write on admission.	Total.
1855, Received instruction.....	44	58	74	176
1856, Received instruction.....	23	36	22	81
1857, Received instruction.....	38	35	32	105
1858, Received instruction.....	34	30	35	99
1859, Received instruction.....	38	33	32	103
	177	192	195	564

	Learned to read.	Read and write.	Read, write, and arithmetic.	Unimproved.	Total.
Of the illiterate 177.....	72	64	17	24	177
Could read imperfectly 192	82	56	54	-----	192
Read and write 195	-----	143	52	-----	195
	154	263	123	24	564

From the above tables it will be seen that during the five years ending with December 31st, 1859, 564 prisoners were under instruction, whose educational condition on reception was as follows: 177 were unable to read or write; 192 could read, but quite imperfectly; and 192 claimed the ability to read and write, though many of them possessed a very limited knowledge of these acquirements.

Of the 177 who were unable to read or write, 72 learned to read; 64 to read and write; 17 learned reading, writing, and arithmetic; and 24 remained unimproved, from want of capacity to learn, arising from various causes.

Of the 192 who could read imperfectly on admission, 82 were much improved in their reading, but advanced no farther; 52 improved in reading, and also learned to write; and 54, after making advancement in reading and writing, were likewise taught the principal branches of arithmetic.

Of the 195 who professed to have a knowledge of reading and writing on their entrance into the penitentiary, 143 made considerable advances

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in this part of their education, but added nothing beyond it; while 52, after a creditable improvement of their knowledge in these branches, also become tolerably well versed in arithmetic.

TRADES TAUGHT.

During the five years ending as above, 580 prisoners were received, who were unacquainted with any mechanical business. Of this number there were taught to weave, 163; cane seating, 137; shoemaking, 163; chair-making, 21; varnishing, 8; boot crimping, 3; segar-making, 4; broom-making, 2; blacksmithing, 1; and burnishing, 3; 75 were employed at various kinds of labor pertaining to the operations of the institution.

With this description of the Pennsylvania system, we turn to the other, or Auburn system, as practiced in other States, and have selected the State prison of Connecticut as the best model.

THE NEWGATE OF CONNECTICUT.

One of the first, if not the very first prison in America, was the Newgate of Connecticut, a name given it in the time of the American Revolution, and so called after the Newgate prison in England. In denominating this receptacle for their criminals they intended to conform to the names of the old country, and called it after the world-renowned prison of London of the same name, and intended to endow it with all the terror which attached to that fearful abode of the depraved.

The copper mines which were converted into a prison were formerly included in the limits of the town of Simsbury, and so remained until 1786, when a part of the town, including mines and prisons, was set off and incorporated under the name of Granby; hence the place was known at that time as Simsbury copper mines, on Copper hill. Upon the summit of this hill, where a great many excavations were made from time to time for copper ore, two perpendicular shafts were dug at an early day, principally through solid rocks, for the purpose of raising the ore; one of them is nearly eighty feet deep, and the other thirty-five. At the bottoms of these shafts are large caverns, extending in various directions several hundred feet. These caverns were first occupied as a place for the confinement of Tories about the beginning of the American Revolution, and the colony of Connecticut first used them as a permanent prison in 1773. A committee had been appointed by the General Assembly to explore the place, who reported that by expending about thirty-seven pounds, the mines could be so perfectly secured, that "it would be next to impossible for any person to escape." The total expense of purchasing the property, with the remaining lease of the mines, and fortifying the place, amounted to the enormous sum of \$375.

An act was passed prescribing the terms of imprisonment as follows: burglary, robbery, and counterfeiting were punished, for the first offense, with imprisonment not exceeding ten years, and second offense for life.

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The keeper of the prison was authorized to punish the convicts for offenses by moderate whipping, not exceeding ten stripes, and by putting shackles and fetters upon them; and it was intended to employ them at labor in the mines, which was done to a considerable extent. At first the number of Tories confined in the caverns did not exceed five or six, and these were guilty of other crimes against the government. The number, in course of time, by the development of events, reached to between thirty and forty.

The first keeper of Newgate was Capt. John Viets, who resided near by, and who supplied the prisoners daily with such food and necessaries as were required. His bill, as recorded for one year, in 1774, is as follows:

"Capt. John Viets, master, as per his bill for services, boarding workmen, and providing for prisoners, &c., £29 5s. 10d."

At that time no guard was kept through the day, but two or three sentinels kept watch during the night. There was an ante-room or passage through which to pass before reaching their cells, and the usual practice of Capt. Viets when he carried them food, was to look through the grates into this passage, to observe whether the prisoners were near the door, and if not, then to enter, lock the door after him, and pass on to the next. The inmates soon learned his custom, and accordingly prepared themselves for an escape which they shortly after effected, by unbarring their cell doors, getting into the passage where they could not be seen, and upon the keeper opening the door they sprung upon him, knocked him down, pulled him in, and taking the key from his possession, they locked him up and made good their escape. The Captain's absence was soon perceived by his family, who came to his relief. The inhabitants around rallied immediately and gave chase to the absconding heroes, who were soon nearly all recaptured. Although the prison was considered impregnable, the first prisoner who had been confined there made his escape. He was committed December 2d, 1773, and escaped after a confinement of eighteen days, by being drawn up through the mining shaft, assisted, it was said, by a woman to whom he was paying his addresses.

After this escape the overseers made a report to the next Legislature, stating the facts in relation to the same, and recommended additional securities to prevent future escapes. "What that security shall be will be left to your Honors; yet we would observe to your Honors, that the east shaft, where the prisoner escaped, is about seventy feet to the bottom of the prison, the whole of which is through a firm rock except ten feet at top, which is stoned up like a well; we therefore propose that the upper part, down to the rock, be locked up, and stones about fifteen to eighteen inches square, and of suitable length, be laid across said shaft about eight inches asunder, &c. And as to the west shaft, which is about twenty-five feet deep, secured with a strong iron grate, about six feet below the surface, we propose that a strong log house be built, of two or three rooms, one of which to stand over this shaft to secure it from persons abroad, and the

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other rooms to be for the miners, &c. All of which is submitted, &c." The Legislature ordered the above improvements, and they were accordingly completed, and report made at the next meeting of that body.

In the spring of 1776 the prisoners attempted an escape by burning the block-house over the shaft. This attempt proved a failure, and ended in the death of one of the inmates from suffocation, and nearly in the death of all the others. After this they were placed in a strong wooden building, built for the purpose above ground, which building they set fire to the next year and burned it to the ground.

As the war with England now raged with great fury, the animosity between the Whigs and Tories had grown in proportion, and the seal of distinct party was in many places stamped with vivid impression, so that at this period the number doomed to the prison had amounted to thirty, and many of them were Tories. They were a desperate set of men, and for their greater security a guard was allotted to each one, the thirty guards being armed with loaded muskets and fixed bayonets. On the night of the 18th of May, 1781, the dreadful tragedy occurred which resulted in the escape of all the prisoners. A prisoner was confined by the name of Young, and his wife wishing to be admitted into the cavern with him, she was searched, and while two officers were in the act of raising the hatch to let her down, the prisoners rushed out, knocked down the two officers, and seizing the muskets of nearly all the rest, who were asleep, immediately took possession of the works, and thrust most of the guards into the dungeon after a violent contest. One of the guards was mortally wounded, and six more severely so. Many of the prisoners were wounded, some of them by their own comrades while cutting and slashing in the dark. Nearly all made their escape; some from their wounds were unable to flee; some of the prisoners were retaken, but many made good their escape. In 1782 the wooden buildings were again destroyed by fire. This was the third time the prison buildings had been burned in nine years, and more than one half of the prisoners had escaped by various means.

In 1781 Congress applied to Gov. Trumbull, of Connecticut, (known by the appellation of Brother Jonathan,) for the use of the mines as a prison "for the reception of British prisoners of war, and for the purposes of retaliation." The Governor laid the matter before the Assembly, who agreed to the proposition, and requested him to furnish Congress with the estimates, but as a termination of the war was anticipated soon, the negotiation ended.

This place won a reputation for strength and security throughout the country, though there was more strength in its *name* than in reality. Six years previously, Gen. Washington sent several prisoners to be confined in the dungeon, whom he regarded as "atrocious villains." The following is a copy of his letter sent with the prisoners:

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"CAMBRIDGE, Dec. 7th, 1775.

"GENTLEMEN: The prisoners which will be delivered you with this, having been tried by a court martial, and deemed to be such flagrant and atrocious villians, that they cannot by any means be set at large, or confined in any place near this camp, were sentenced to Simsbury, in Connecticut. You will therefore be pleased to have them secured in your jail, or in such other manner as to you shall seem necessary, so that they cannot possibly make their escape. The charges of the imprisonment will be at the continental expense.

I am, &c.,

"GEORGE WASHINGTON."

Newgate was at this time used by the State for the confinement of criminals, who were kept chiefly at work in making wrought nails. It was not until 1790 that it was established permanently as a State prison. It is said to have been the design to employ the convicts in working the mines, which, for a while, was practiced; but it was soon found that they must necessarily have for that work precisely the right kind of tools for digging out, and they several times used them for that purpose; this reason, with the consequent necessity of keeping so strong a guard, both day and night, finally induced them to abandon the employment. In 1790 an act was passed constituting Newgate a permanent prison, and providing for the erection of the necessary buildings.

A wooden palisade, mounted with iron spikes, was constructed, inclosing half an acre of ground, within which workshops and other buildings were placed, and a deep trench was opened on the western side. The wooden inclosure remained until 1802, when a strong wall was laid in its place, which is now standing. A brick building was erected in the center of the yard for the officers and privates, in the rear and lower part of which a stone apartment was afterwards constructed directly over the mouth of the cavern, and in this room the most quiet prisoners were occasionally kept.

The horrid gloom of this dungeon can be realized only by those who pass among its solitary windings. The impenetrable vastness supporting the awful mass above, impending as if ready to crush one to atoms; the dripping water trickling like tears from its sides; the unearthly echoes responding to the voice, all conspire to strike the beholder aghast with amazement and horror. These caverns and their precincts, from their antiquity and the dramas which have been performed within and around them, will long be considered as a classic place.

On the sides and in the niches of the cavern, platforms were built of boards for the prisoners, on which straw was placed for their beds. Notwithstanding the horrors of the place, these caverns were extremely favorable to health and longevity of the occupants, which was probably owing to some medicinal property in the mineral rock.

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A description of the daily management at Newgate will at this day be found both interesting and amusing.

The hatches were opened and the prisoners called out of their dungeons each morning at daylight, and three were ordered to *heave* up at a time; a guard followed the three to their shops, placing them at their work, and chaining those to the block whose tempers were thought to require it. All were brought out likewise in squads of three, and each followed by a guard. To those who never saw the operation, their appearance cannot be truly conceived, as they vaulted forth from the dungeon in their blackness, their chains clanking at every step, and their eyes flashing fire upon the bystanders. After a while their rations were carried to them in their several shops. They consisted, for one day, of one pound of beef or three-fourths of a pound of pork, one pound of bread, one bushel of potatoes for each fifty rations, and one pint of cider to every man. Each one divided his own rations for the day to suit himself—some cooked over their own mess in a small kettle at their leisure, while others, disregarding ceremonies, seized their allowance and ate it on an anvil or block. They were allowed to swap rations, exchange commodities, barter, buy, and sell at their pleasure. All were allowed to work for themselves, or others, after their daily tasks were finished; and in that way some of them actually laid up considerable sums.

During the day the guard was changed once in two hours, at the sound of the horn, and in the night a guard entered the caverns every two hours and counted the prisoners. The punishments inflicted for offenses and neglect of duty were severe flogging, confinement in the stocks in the dungeon, being fed on bread and water during the time, double or treble sets of irons, hanging by the heels, &c., all tending to inflame their revenge and hatred, and seldom were appeals made to their reason or better feelings. From thirty to one hundred were placed together through the night, solitary lodging, as practiced at this day, being regarded as a punishment rather than a blessing to them. Their employment consisted in making nails, barrels, shoes, wagons, doing job work, farming, and working on the tread-mill. A building for a tread-mill was built about the year 1824, for the purpose of grinding grain for prison use, and occasionally for the neighboring inhabitants. A large wheel, between twenty and thirty feet in diameter, was furnished with horizontal flanges as steps, upon which the prisoners trod, and their weight causing the wheel to revolve, furnished the motive power to propel the machinery. This was one of the most dreaded punishments, and the one to which the most stubborn were put to work. In extreme cases a female was put on the wheel with the men as a punishment, which generally had the effect to subdue the most refractory in a very short space of time.

A stranger who visited Newgate in 1807 says: "On being admitted into the jail yard, I found a sentry under arms within the gate, and eight sol-

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diers drawn up in a line in front of the jailer's house. A bell summoning the prisoners to work had already rung, and in a few moments they began to make their appearance. They came in irregular numbers, sometimes two or three together, and sometimes a single one alone; but whenever one or more were about to cross the yard to the smithery, the soldiers were ordered to present, in readiness to fire. The prisoners were heavily ironed, and secured both by handcuffs and fetters; and being therefore unable to walk, could only make their way by a sort of hop or jump. On entering the smithery, some went to the sides of the forges, where collars, dependent by iron chains from the roof, were fastened around their necks; and others were chained in pairs to wheelbarrows. The number was about forty, and when they were all disposed of in the manner described, sentries were placed within the buildings which contained them. After viewing thus far the economy of this prison, I left it, proposing to visit the cells at a later hour. This establishment, as I have said, is designed to be, from all its arrangements, an object of terror; and every thing is accordingly contrived to make the life endured in it as burdensome and miserable as possible. In conformity with this idea, the place chosen for the prison is no other than the mouth of a forsaken copper mine, of which the excavations are employed as cells. They are descended by a shaft, which is secured by a trap door within the prison house, or jailer's house, which stands upon the mine. The trap door being left up, I went down an iron ladder perpendicularly fixed, to the depth of about fifty feet. From the foot of the ladder a rough, narrow, and low passage descends still deeper, till it terminates in a well of clear water, over which is an air shaft seventy feet in height, and guarded at its mouth, which is within the jail yard, by a hatch of iron. The cells are near the well, but at different depths beneath the surface, none perhaps exceeding sixty feet. They are small, ragged, and accommodated with wooden berths, and some straw. The straw was wet, and there was much humidity in every part of this obscure region; but I was assured I ought to attribute this only to the remarkable wetness of the season; that the cells were in general dry, and that they were not found unfavorable to the health of the prisoners.

"Into these cells the prisoners are dismissed at four o'clock in the afternoon, every day, without exception, and at all seasons of the year. They descend in their fetters and handcuffs, and at four o'clock in the morning they ascend the iron ladder, climbing it as well as they can by the aid of their fettered limbs. It is to be observed that no women are confined here; the law providing that female convicts, guilty of crimes of which men are to be confined in Newgate prison, are to be sent only to the county gaols.

"Going again into the workshop or smithery, I found the attendants of the prison delivering pickled pork for dinner of the prisoners. Pieces were given separately to the parties at each forge. They were thrown

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upon the floor and left to be washed and boiled in the water used for cooling the iron wrought at the forges. Meat had been distributed in like manner for breakfast. The food of the prison is regulated for each day in the week, and consists in alternations of pork, beef, and peas, with which last no flesh meat is allowed.

" Besides the caverns or excavations below, and the gaoler's house above, there are other apartments prepared for the prisoners, and particularly a hospital, of which the neatness and airiness afford a strong contrast to the other parts of the prison. It was also satisfactory to find that in this hospital there were no sick.

" Such is the seat and scene of punishment provided by Connecticut for criminals not guilty of murder, treason, or either of a few other capital offenses. What judgment the reader will pass upon it, I do not venture to anticipate; but for myself I cannot get rid of the impression, that without any extraordinary cruelty in its actual operation, there is something very like cruelty in the device and design."

From this description of one of the darkest abodes of misery and crime ever existing in our country, we turn to a description, in the same State, of one of the best conducted, and one of the most successful institutions of the kind to be found in this or any other country, as we believe. The change, in fact, is so striking as to make us almost doubt the description given of the first or Newgate prison of Connecticut.

CONNECTICUT STATE PRISON.

The present penitentiary of Connecticut is situated on the margin of a beautiful cove in the town of Wethersfield, about three miles from Hartford, and is justly regarded as a penitentiary of the first order. Its location, its construction, its financial management and discipline, have won the admiration of every State in the Union where its superiority is known. It has proved to the world that criminal punishment can be made a safeguard to society, a protection to the honest industry of the people, and also a benefit to the moral and physical condition of the convicts. The prison limits comprise about one and a half acres of ground, which is inclosed by a wall of hard sandstone, 18 feet high, 3 feet thick at its base, and inclining to 1½ feet at the top. Within and adjoining this wall, are buildings of the same material, and of brick, used as the warden's apartment, hospital, and chapel, and for work-shops and cells. In the yard is a cistern under ground for water, of the capacity of 100 hogsheads, and a fire engine is attached to the premises. A steam engine of forty-horse power is connected with the shops, for propelling machinery necessary to carry on the various branches of business. A portion of the cell building is whitewashed with lime each day, which purifies the air, and gives to the lodging apartments an appearance of neatness and comfort. Each convict has a separate cell at night, which for neatness and comfort would

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compare favorably with the bed-chambers of many of our first class hotels. These cells are furnished with iron bedsteads, made to fold up against the wall, and the bedding is clean and comfortable. We noticed on our recent visit to that institution, that many of these cells were supplied with furniture of every description for a small chamber—the floors were neatly carpeted, and many of them contained quite a handsome collection of good books.

Each convict takes his meals in his own cell, separate and alone. A library of suitable books, comprising 1,500 volumes, is provided for such as can read, and those who cannot are instructed by the chaplain, who is assisted in his good work occasionally by the warden and other officers. The library here, as it should be, is highly prized by the convicts, who spend many of their solitary hours in reading, and the benefits have been so apparent, that the State has generously appropriated annually \$100 for the purchase of books for their use.

We found the male convicts employed in the manufacture of mechanics' tools, such as rules, planes, &c., &c., and boot and shoemaking extensively, and burnishing of plated ware, such as forks, spoons, &c. The females are under the charge of a matron, and are employed in making and mending clothes, washing, cooking, &c.

The services of the male convicts are let by the warden to companies or contractors, who pay, monthly, a stipulated price per day for the services of each prisoner; and no able-bodied person is exempt from labor. This system has been found to work well, pecuniarily, and the average net profits to the State, above the current expenses, officers' salaries, &c., amount to about \$2,000 per annum.

This is believed to be the only State prison in the Union which meets its entire expenses, and leaves a surplus to the State. This prison was first occupied in October, 1827, and is on the Auburn plan. The cost of the ground and of the buildings, which were at that time completed, was \$42,281 27. It contained, in 1840, 136 cells, besides the keeper's apartments, chapel, hospital, offices for warden, guards, and female apartments. An addition, or second prison, was built in 1835, at a cost of \$3,320 91, making the whole cost of both improvements \$45,602 18. The total gain of the earnings of this institution in the first 12 years after its erection was \$59,408; thus paying all its expenses for management, subsistence, &c., and refunding to the State, or accumulating, the whole cost of the building and ground, and had, on the 31st March, 1838, \$10,746 balance in its favor. Under the old system at Newgate, for the 9½ years next preceding 1827, the cost to the public of the concern, over and above all earnings, was \$80,500; and for the previous 17 years the annual tax upon the treasury was over \$7,000. The present institution has paid for all its buildings and fixtures, and seventeen acres of ground. It has paid \$7,000 to the counties of the State for the erection of county jails on the improved

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penitentiary system, and \$7,000 to the school districts in the State for school apparatus, thus causing ignorance and crime to help educate the rising generation.

No convict has ever escaped from this prison. This will be explained satisfactorily when the system of discipline is given. Its safe construction, and the extraordinarily active vigilance of its officers, would seem to banish all hopes of escape, and render every attempt worse than useless.

We have never witnessed such order and discipline in any institution; and yet it is all without any vain show of power. No bars or fetters are worn; no armed sentinel is seen, except upon the two towers; no muskets, swords, or pistols are carried by the officers or guards daily within the walls, and only within the guard-rooms on the walls are any weapons of murder to be seen.

It is not in a *pecuniary* respect only that the Connecticut prison has been successful. It has, in a majority of cases, improved the moral and intellectual condition of its inmates, where any improvement of the debased heart was possible. It has inaugurated a system of discipline the most complete and perfect which has ever been known or adopted, and it is now acknowledged as a model penitentiary after this system.

The following is the daily routine of duty performed at this prison :

At daylight the bell is rung for the officers, who immediately repair to the guard-room. When it is sufficiently light, the deputy warden gives the signal for manning the walls, and the overseers take their keys, go to their several divisions, and again wait the signal, when they unlock and march their men, with the lock-step, to their respective shops. The convicts immediately commence work, and also begin at a given point in the shop to wash, which each man does in regular order before the breakfast hour. At seven o'clock the bell is rung for breakfast; the convicts stop work, form into a line in their shops, and wait the signal of the bell, when they are marched into the prison yard, and form a line in front of their buckets. At the word *right*, each man turns to the right; the word *up* is given, and each man takes his bucket upon his left arm, when they form into sections in close order, as marched from the shops; and at the word *forward*, they march in the same manner to the hall, where they are seated to hear the reading of the Bible and attend prayers. From thence they are marched around the cells, take their kids, containing their breakfast, as they pass the kitchen, and are immediately locked up in their cells. Each officer then reports the number of men in his charge to the deputy warden, who, finding it right, gives the signal of "all's well;" the watchmen leave the wall and repair to the guard-room; all the officers then go to their meals, except one in the hall, and one in the guard-room, who are relieved in turn.

From half to three quarters of an hour is allowed for rest, when they are again, as above, marched to their work, and there remain till 12 o'clock;

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the signal is again given, they are again marched upon a line, and in the same manner marched into and around the hall, the same as at breakfast, with the exception of service.

One hour is allowed them at dinner in the summer, and forty-five minutes in winter. At one o'clock they are again marched to their shops, and work till six P. M., when they again form in line in front of their buckets; the word is then given, "one pace in the rear, march." Each convict steps one pace back; the officer having charge of each division commences searching, by passing his hands over the arms, the body, and legs of the prisoners, and as each man is searched he steps to the front. When all are again in line the word is given to *uncover*, when each convict takes the cover from his night-bucket; the officers then pass and examine them; the words, *cover—right—up—forward*, and they march to the hall, attend prayers, and thence to their cells, as in the morning. The officer then in the hall lights up, examines each lock and door, re-counts the convicts, and reports the number to the warden or deputy warden. At half-past seven the signal is given, and each convict retires to his bed; the officer again examines the doors, sees that all are in bed, and is then relieved by the overseer, taking the first tour, which continues from half-past seven to eleven o'clock. He is then relieved by a watchman, who takes what is called the middle tour, from eleven to half-past two; the watchman taking the morning tour, or from half-past two till light, relieves him. The above officers are required, while doing duty, to be constantly on their feet, marching around the cells and upon the galleries to see that all is quiet and in good order. If any sickness or disorder takes place, he calls the watchman, who acquaints the warden or deputy warden, who immediately repairs to the hall, and takes the necessary measures for the relief of the sick, or the suppression of disorder.

DUTIES OF THE SUBORDINATE OFFICERS.

The deputy warden takes the principal charge of the internal affairs, under the direction of the warden; spends the whole day in visiting the several shops and departments; sees that every officer performs his duty; attends to the wants and complaints of the convicts, and has a constant supervision of all the internal operations.

The clerk assists the warden in keeping the books and other writing; attends generally to the transportation of convicts from the county jails; and when not thus engaged performs such other duties as are required of him by the warden. The overseers, after performing the duty of marching the convicts, as above described, to their shops, remain constantly in them with their men. They are not allowed to sit down, but must not only remain on their feet, but also exercise the uttermost vigilance in seeing that their men work diligently, in order, and silence. In case of sickness, or disobedience, they are required to send immediately for the

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warden or his deputy; they are also to report in writing, before 9 o'clock A. M., all who express a wish to see the physician.

The matron and her assistant have charge of the female department of the convicts. Those employed in cooking are unlocked by the matron at 4 o'clock A. M., and are thus employed, cooking and washing, under the control and immediate supervision and direction of the matron, who attends personally to the weighing, measuring, and dividing the daily rations for all the male convicts. After the labors of the day, they are assembled for religious service and instruction, immediately after which they return to their cells, and are locked in by the matron.

The watchmen are employed *all the time* in duty upon the walls, in the guard room and hall, in the hospital, and in waiting upon spectators who visit the prison; they are not allowed to sit, read, or write, while upon any post of duty.

The gate-keeper has the care of the gate leading into the yard, and takes charge of the out-door hands and work.

The convicts have at all times free and unrestrained access to the warden, and can, whenever they wish, see and converse with the directors or director, when they visit the prison, but not in presence of other convicts. All punishments are inflicted by the warden or his deputy. No subordinate officer is allowed to leave the prison day or night, without permission of the warden, or, in his absence, the deputy warden.

The cell department of this institution is the most accurately neat and thoroughly clean of any in the United States. The cells are 7 feet by 3 feet 3 inches wide, and 7 feet high. They are four stories high, lighted and ventilated by many very large windows extending from near the ground to the full height of the outer walls of the dormitories. The area around the cells is broad and warmed by steam pipes running the entire length, thus making it warm and comfortable in the winter, and by opening the large windows giving fine ventilation in the warm season of summer. The cells and area are kept constantly whitewashed, and have none of the offensive smell and dirty appearance found in our prison. Gas pipes extend to each tier of cells, and light sufficient to read is furnished each convict until the usual hour for retiring at night. Taken altogether, this is a model institution of this system. We received the kindest attentions from the officers on our late visit, for which our thanks are now heartily tendered.

NOTE.—The history of Newgate, and most of the foregoing facts in relation to the Connecticut State prison, are condensed from Pillsbury's history of Newgate, Hartford, 1860.

E R R A T A .

Page 15, chapter II, 4th line, read 230,000.

Page 161, chapter IV, line 2d, read "received" for "recovered."

Page 217, read "\$228,295 29," instead of "\$296,086 28."

Page 288, read elected for "five" years, instead of "four."

Page 511, read February 13th, 1854.

6 plates
E. H. L.





